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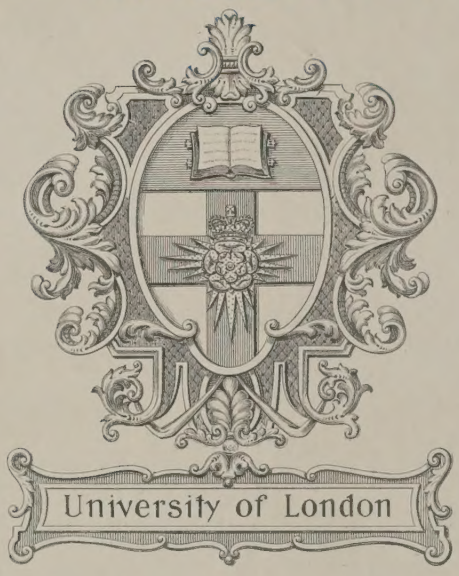

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B I L L S,

PUBLIC:

SIX VOLUMES.

—(3.)—

LAND DRAINAGE SUPPLEMENTAL

TO

MERCHANT SHIPPING SURVEY

Session

9 *February* —— 21 *August* 1871.

VOL. III.

1871.

BILLS:

1871.

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A

B I L L

TO

Confirm certain Provisional Orders under "The Land Drainage Act, 1861." A.D. 1871.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Land Drainage Act, 1861," duly made the Provisional Orders contained in the first and second parts of the schedule to this Act annexed, and it is by the said Act provided that no such Orders shall be of any validity whatever until such Orders shall have been confirmed by Parliament, and it is expedient that the said Orders should be so confirmed: 24 & 24 Vict. c. 133.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. That the Provisional Orders contained in the schedule hereunto annexed are hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament of the like force and effect as if the provisions of the same had been enacted in the body of this Act. Provisional Orders in schedule confirmed.

2. This Act may be cited for all purposes as "The Land Drainage Supplemental Act, 1871." Short title.

A.D. 1871.

SCHEDULE to which this Act refers.

PART I.

IN the Matter of DIGBY IMPROVEMENT, situate in the Parishes of Digby, Billinghay, Walcot, and Timberland Thorpe, otherwise Thorpe Tilney, in the County of Lincoln.

We, the Inclosure Commissioners for England and Wales, in pursuance of the power given to us by "The Land Drainage Act, 1861," do, by this Provisional Order, under our seal, constitute the lands which are delineated on a map authenticated under our hands and seal as the map referred to in this Provisional Order, and entitled the Digby Separate Drainage District Map, and a copy of which is deposited in the Inclosure Office, a Separate Drainage District under the said Act.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:—

That the Drainage Board for the said District shall consist of eleven Members.

That the following persons shall be the Members of the first Drainage Board:—The Right Honourable the Earl of Harrowby, K.G., of Sandon Hall, Stone, Staffordshire; Mr. Gervas Richardson of Digby Sleaford, Farmer; Mr. William Mitton of Digby Sleaford, Farmer; Mr. Thomas Pearson Key of Billinghay, Sleaford, Farmer; Mr. John Robert Key of Billinghay, Sleaford, Farmer; John James Wheat, Esquire, Solicitor, Sheffield; Willson Willson Mildmay, Esquire, of Ranceby Hall, near Sleaford; Charles Rodgers, Esquire, of Sleaford; the Reverend Edward Charles Frederick Jenkins of Billinghay, Mr. William Croft, Agent for Jane Woulds of New Sleaford, Billinghay; and Mr. William Wilson of Billinghay, Farmer.

That the first meeting of the said Board shall be summoned by notice under the hands of any two or more of the said Board, published in some newspaper generally circulated in the District, and posted on the church doors of the above-mentioned parishes at least fourteen days before the day of meeting.

That the qualification of any subsequent Member of the said Board shall be that he shall be the proprietor of not less than ten acres of land within the area of the said District; or, secondly the heir apparent of the proprietor of an estate of not less than ten acres in extent, within the area of the said District; or, thirdly, occupying tenant, yearly or otherwise, of not less than one hundred acres within the area of the said District; or, fourthly, the agent of a proprietor of an estate of not less than ten acres of land within the area of the said District, such agent acting under a written appointment.

That the Members of the first Board shall vacate their offices on the first Thursday in September in the year following that in which this Provisional Order shall be confirmed by Parliament.

That the Electors for Members of the Drainage Board shall be the persons who have, during the year immediately preceding such Election, been rated to any drainage rate of the District hereby constituted, and have paid all such rates due from them at the time of such election. A.D. 1871.

In witness whereof we have hereunto set our official seal, this thirtieth day of March one thousand eight hundred and seventy-one.

L.S.

PART II.

In the matter of Bourn South Fen Improvement situate in the Parish of Bourn in the County of Lincoln.

We, the Inclosure Commissioners for England and Wales, in pursuance of the power given to us by "The Land Drainage Act, 1861," do, by this Provisional Order, under our seal, constitute the lands which are delineated on a map authenticated under our hands and seal as the map referred to in this Provisional Order, and intituled the Bourn South Fen Separate Drainage District Map, and a copy of which is deposited in the Inclosure Office, a Separate Drainage District under the said Act.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of twelve Members.

That the following persons shall be the Members of the first Drainage Board:—The Most Noble the Marquis of Exeter, Burleigh House, Stamford; Sir Philip Duncombe Pauncefort Duncombe, Great Buckhills, Bucks; William Ann Pockin, Esquire, Edmondthorpe Hall, Oakham; the Reverend Joseph Dodsworth, Bourn; Mr. George Brudenell, Farmer, South Fen, Bourn; Benjamin Lake, Esquire, Finchbeck, Spalding; Mr. William Elfleet, Bourn; Thomas Presgrave, Esquire, Bourn; Mr. William Ferraby, Farmer, Bourn; William Phipp, Esquire, Grantham; Francis Brown, Esquire, Peterborough; and Francis Walton Draper (representing Mr. Ingles Rippingale, Bourn).

That the first meeting of the said Board shall be summoned by notice under the hands of any two or more of the said Board, published in some newspaper generally circulated in the District, and posted on the church doors of the abovementioned parishes at least fourteen days before the day of meeting.

That the qualification of any subsequent Member of the said Board shall be that he shall be the proprietor of not less than ten acres of land within the area of the said District; or, secondly, the heir apparent of the proprietor of an estate of not less than ten acres in extent within the area of the said district; or, thirdly, occupying tenant, yearly or otherwise, of not less than twenty acres within the area of the said District; or, fourthly, the agent of a proprietor of an estate of not less than ten acres of land within the area of the said District, such agent acting under a written appointment.

A.D. 1871.

That the Members of the first Board shall vacate their offices on the first Thursday in September in the year following that in which this Provisional Order shall be confirmed by Parliament.

That the Electors for Members of the Drainage Board shall be the persons who have, during the year immediately preceding such election, been rated to any drainage rate of the District hereby constituted, and have paid all such rates due from them at the time of such election.

In witness whereof we have hereunto set our official seal, this thirteenth day of April one thousand eight hundred and seventy-one.

L.S.

Land Drainage Supplemental.

A

B I L L

To confirm certain Provisional Orders under "The Land Drainage Act, 1861."

(Prepared and brought in by Mr. Winterbotham and Mr. Secretary Bruce.)

Ordered, by The House of Commons, *to be Printed*, 22 *May* 1871.

[Bill 158.]

Under 1 *oz.*

A

B I L L

TO

Amend an Act passed in the tenth year of Her Majesty, chapter thirty-two, being an Act to facilitate the improvement of Landed Property in Ireland. A.D. 1871.

WHEREAS by an Act passed in the session of Parliament held in the tenth year of the reign of Her Majesty, intituled "An Act to facilitate the improvement of landed property in "Ireland," the following persons, amongst others, are, by the seventh section thereof, deemed to be owners for the purposes of loans and advances under that Act, that is to say, "any person "seised or possessed of any land under any lease, reserving rent, "for two or more lives in being at the time of the application, "or for any term of years determinable on any two or more lives "in being at the time of the application, or for any term of years "absolute, whereof there shall be at the time of the application "twenty-five years or more unexpired, who shall apply, under "the provisions of said Act, and shall give such security as the "Commissioners of Public Works shall direct, for the payment "of the annual amount of any rentcharge which might become "chargeable on such land in respect of any loan to be made "under the provisions of the said Act, by the person so applying, "his executors, administrators, or assigns, during the continuance "of the residue of such his estate or interest in the said lands, "or for so many years as the rentcharge under the said Act "should be payable, if his interest should so long continue :"

And whereas large sums of money have been advanced under the provisions of the said Act with advantage, and it is desirable that tenant farmers and others in Ireland who are seised or possessed of more limited estates and interests in land than those hereinbefore and in the said Act specified, should be enabled to avail themselves of the provisions of the said Act, and the Acts amending the same:

A.D. 1871.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same,

Persons holding leases reserving rent for one or more lives, or for term of years absolute, or tenants from year to year, to be deemed owners for purposes of recited Act.

1. That any person seised or possessed of any land under any lease reserving rent for one life or more in being at the time of the application, or for any term of years determinable on any life or lives in being at the time of the application, or for any term of years absolute, whereof there shall be at the time of application seven years or more unexpired, or for any tenant from year to year, and who shall have been rated for the relief of the poor at the annual value of *twelve* pounds or upwards for or in respect of such land, shall be deemed to be the owner of such land for the purposes of the said Act, and shall be subject to all the provisions and regulations in the said Act mentioned and provided, in respect of all such persons as are by the said section deemed to be the owner or owners, and as in said Act particularly specified and described.

Landed Property (Ireland) Act (1847) Amendment.

A

B I L L

To amend an Act passed in the tenth year of Her Majesty, chapter thirty-two, being an Act to facilitate the improvement of Landed Property in Ireland.

(*Prepared and brought in by Mr. Serjeant Sherlock, Mr. Mc Mahon, and Mr. Maguire.*)

Ordered, by The House of Commons, *to be Printed,* 28 *February* 1871.

[Bill 59.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend the Landlord and Tenant (Ireland) Act, 1870.

A.D. 1871.

WHEREAS doubts have been entertained whether rights secured by the Landlord and Tenant Act (Ireland), 1870, to tenants in Ireland may not be endangered by the omission to specify or refer to such rights in conveyances and assignments executed since the passing of the said Act by the Judges of the Landed Estates Court in Ireland:

Be it declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Saving certain rights of tenants under Act 33 & 34 Vict. c. 46.

1. In every case in which a sale, conveyance, or declaration shall be made, or since the passing of the Landlord and Tenant (Ireland) Act, 1870, shall have been made under the provisions of the Act twenty-first and twenty-second Victoria, chapter seventy-two, intituled "An Act to facilitate the sale and transfer of Land in "Ireland," subject to any tenancy the tenant and those claiming under him shall have as incident to the tenancy, all rights to which he or they is or are or may become entitled under the first part of the Landlord and Tenant (Ireland) Act, 1870, and the sale, conveyance, or declaration shall be subject to all such rights, although such rights may not be specified or referred to in the conveyance or assignment executed by the Judge of the Landed Estates Court; and the word "tenant" shall in this Act have the same meaning as that assigned to it in section seventy of the Landlord and Tenant Act (Ireland) 1870.

[Bill 215.]

Landlord and Tenant (Ireland) Act, 1870, Amendment. [H.L.]

A

B I L L

INTITULED

An Act to amend the Landlord and Tenant (Ireland) Act, 1870.

(*Brought from the Lords* 26 *June* 1871.)

Ordered, by The House of Commons, *to be Printed*, 26 *June* 1871.

[Bill 215.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to Land Rights and Deeds in Scotland. A.D. 1871.

WHEREAS it is expedient that charters by progress granted by a superior shall no longer be necessary for the completion of titles to property, and that the law relating to land rights and to deeds in Scotland should be amended:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Amendment of Land Rights (Scotland) Act, 1871."

Interpretation of terms.

2. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:

"Lands" shall include all heritable subjects, rights, and interests, which are or might be held of a superior by the tenure of blench-farm, or feu-farm:

The word "conveyance" and the word "deed" shall each have the meaning attached to it by "The Titles to Land Consolidation (Scotland) Act, 1868," and shall also include all the deeds and writings specified in this Act:

The word "instrument" shall have the meaning attached to it by the said Act, and shall also include all instruments authorised by this Act:

The word "charter" and the word "writ" shall each extend to and include all writs, charters, and precepts, whether from the Crown or from subject superiors:

A.D. 1871.

The word "Crown" shall extend to and include Her Majesty and Her royal predecessors and successors, and the prince and steward of Scotland, and his royal predecessors and successors:

The word "superior" shall extend to and include the Crown as well as subject superiors, and shall mean every person of whom lands are or might be holden by the tenure of blench-farm, or feu-farm:

The expressions "proprietor of lands" and "proprietor," shall each extend to and include every vassal in lands held or that might be held of a superior by the tenure of blench-farm or feu-farm, and every person who has right in or to such lands by succession testate or intestate, or by singular titles:

The word "granter" shall extend to and include all persons by or from whom any conveyance of lands, voluntary, legal, or judicial, is granted or derived, and all persons to a disposition from whom the decree or warrant of any court is held to be equivalent:

The words "infeft" and "infeftment" shall each extend to and include the due registration in the appropriate register of sasines, of any deed or conveyance, whether before or after the commencement of this Act, by which registration a real right to lands has been or shall be constituted:

The word "sheriff" shall mean the sheriff or sheriff-substitute of the county, or steward or steward-substitute of the stewarty in which any land is situated.

The word "casualties" shall extend to and include "relief duty" payable on the entry of an heir, composition payable on the entry of a singular successor, non-entry, and non-entry duties.

PART I.

ENTRY WITH SUPERIORS BY CHARTER, WRIT, OR PRECEPT, NO LONGER NECESSARY TO THE VALIDITY OF TITLES OF PROPRIETOR OF LANDS.

Charters by progress no longer necessary.

3. From and after the commencement of this Act, notwithstanding any provision or stipulation to the contrary in any existing Statute, or in any conveyance, whether dated before or after the passing of this Act:

(A.) It shall not be necessary in order to the completion of the title of any proprietor to lands held, or which might be held, by the tenure of blench-farm or feu-farm, that he shall obtain from

the superior of such lands any charter, precept, or other writ by progress; and it shall not be competent for the superior to insist upon such proprietor taking out any such charter, precept, or other writ by progress:

Infeftment to imply liability for feu-duties, &c.;

(B.) Every proprietor who has been or shall be duly infeft in any such lands under or in virtue of a conveyance in which the manner of holding is expressed or may be inferred or implied to be otherwise than de me or of the granter only, shall be deemed and held to be duly entered with the superior of such lands, whose estate of superiority is not defeasible at the will of the proprietor so infeft, and shall be deemed and held to be personally liable for the feu-duty, and for all the obligations and conditions in the original rights prestable to or exigible by the superior, in so far as the same may not have ceased to be operative in consequence of this Act or otherwise, and that until an infeftment in virtue of a similar conveyance shall be duly recorded in the register of sasines in favour of another proprietor:

and to imply confirmation by superior.

(C.) Every such infeftment shall be held and construed to be and shall in all respects operate as an infeftment in favour of the proprietor so infeft, duly confirmed by such superior, as at the date of the registration of such infeftment in the register of sasines, in the same manner and to the same effect as if such superior had granted a charter or writ of confirmation expressly confirming said infeftment and the whole prior deeds and conveyances necessary to be confirmed in order to complete the investiture of the proprietor so infeft; and such infeftment, so held to be confirmed as aforesaid, shall not be challengeable or deemed to be in any respect invalid although the title of the superior, whose confirmation is implied as aforesaid, may not have been de facto completed:

Implied confirmation not to affect rights of superiors to feu-duties, &c.

(D.) Provided always, that such implied confirmation shall in no way prejudice or affect the right or title of such superior to any casualties, feu-duties, and arrears which may have been or may be due or exigible at or prior to the date of such implied confirmation, with the exception of the casualty of life-rent escheat which casualty is hereby abolished; and all rights and remedies competent to superiors under the existing law and practice for recovering, securing, and making effectual such casualties, feu-duties, and arrears, shall continue to be available to superiors in time coming.

(E.) Nothing in this section contained shall apply to heritable securities or to deeds employed in the constitution or transmission or completion of heritable securities.

A.D. 1871.

Conveyances to set forth or refer to reddendo and conditions of feu-rights.

4. In every conveyance of or relating to lands, other than deeds employed in the constitution, transmission, completion, or extinction of heritable securities, dated or recorded in the register of sasines after the commencement of this Act, the reddendo and whole conditions and obligations contained in the original blench-rights or feu-rights of such lands, in so far as the same can be ascertained and may be operative and in force, shall be inserted at length, or shall be specially referred to as set forth at length in the conveyance, if any, of or relating to such lands recorded in the appropriate register of sasines wherein the same were first inserted, or in any conveyance of subsequent date recorded as aforesaid and forming part of the progress of titles of said lands, such insertion or reference, as the case may be, being made in the form or as nearly as may be in the form of Schedule (A, No. 1) hereto annexed; and every clause of direction in virtue of the twelfth section of the Titles to Land Consolidation Scotland Act, 1868, shall include such reddendo, conditions, and obligations, or reference thereto, as the case may be, as part of the conveyance thereby directed to be recorded: Provided always,

(A.) That where a proprietor having right to lands under a conveyance dated prior to the commencement of this Act, and not setting forth or referring to such reddendo, conditions, and obligations, shall take infeftment in such lands by recording such conveyance in place of expeding and recording an instrument thereon, it shall be sufficient compliance herewith if a memorandum setting forth or referring to such reddendo, conditions, and obligations as aforesaid, and signed by the agent of such proprietor, in the form, or as nearly as may be in the form of Schedule (A.) (No. 2) hereto annexed, is indorsed upon, and recorded along with such conveyance:

(B.) That no challenge of any such infeftment on the ground that the reddendo, conditions, or obligations are not inserted or referred to, or are incorrectly inserted or referred to, shall be competent at the instance of any person except the superior alone whose confirmation is implied as aforesaid, and in so far only as his rights and interests are concerned, and such challenge shall in no way affect the validity of such infeftment in questions between the proprietor so infeft and third parties.

Express stipulations as to notice to superior of change of ownership, &c. not to be affected.

5. In all cases in which it has been or shall be expressly stipulated in the existing or future investitures of lands that heirs or singular successors of a proprietor of lands shall enter with the superior within a certain specified period after the death of the vassal last entered and infeft, or after a change of ownership, or

at certain specified times, it shall be sufficient compliance with such stipulation if the person so bound to enter shall within the specified period, or at or before the specified time duly expede infeftment in such lands in tenure of the two preceding sections of this Act, and give notice of such infeftment to the superior or his known agent; and nothing herein contained shall affect any stipulation in any existing or future blench-right or feu-right of lands to the effect that the person acquiring right thereto as heir or singular successor shall within any specified period or at any specified time give notice to the superior of any change of ownership of such lands.

Existing forms of entry with superior may be used if proprietor of lands so desires.

6. Nothing in this Act contained shall prevent any proprietor of lands from completing his title, if he shall so desire, to such lands, by being entered with the superior thereof in any of the forms heretofore competent.

PART II.

Commutation and Purchase of Untaxed Casualties of Superiority, and Prohibition of Untaxed Casualties in future Feu-rights.

Untaxed relief duty and composition not to be exigible under future grants.

7. It shall not be lawful for any superior of lands held of him in virtue of any blench-right or feu-right granted after the passing of this Act to demand any payment for or in name of relief-duty in respect of or in lieu of the entry of any heir on succeeding to such lands, or for or in name of composition in respect of or in lieu of the entry of any singular successor on the acquisition of such lands, unless in so far as payment of such relief-duty or composition shall be expressly stipulated for in such blench-right or feu-right.

Casualties under existing titles to remain, unless purchased or commuted

8. The casualties to which, under the existing title to any lands, whether by express stipulation or otherwise, any superior is or may be entitled upon the entry of any heir or singular successor, or while such lands are in nonentry, shall continue, subject to the provisions hereinafter mentioned, to be payable to and enforcible by such superior and his successors at the dates and on the occasions on which the same would have been payable, exigible, or enforcible had this Act not been passed, with all the remedies which are by law competent to superiors.

Untaxed casualties may be purchased by proprietor.

9. It shall be lawful for the proprietor of any lands in respect of which relief-duty or composition is or may be payable otherwise than by express stipulation contained in the blench-rights or feu-

A.D. 1871.

rights of such lands on the entry of an heir or of a singular successor (commonly called untaxed relief-duty and untaxed composition) to insist that such relief-duty and composition, after payment of any casualties that may be actually exigible at the time, shall be redeemed and discharged upon payment of compensation equal to *one and a half year's* rent if let, or, *one and a half year's* annual value if unlet, of the lands at the time of redemption, under deduction of the feu-duty and of *one fifth* part of such rent or annual value for burdens, repairs, and all other usual abatements.

Proprietor may insist for commutation of untaxed casualties.

10. It shall be also lawful to the proprietor to insist that, in place of the capital sum of redemption money for relief-duty and composition above provided, there shall be paid to the superior an annual sum equal to interest at the rate of *four* per cent. upon such capital sum, by way of commutation therefor; and where any relief-duty or composition shall be commuted for an annual money payment, a memorandum in the form set forth in schedule (B.) hereto annexed, or in a similar form, setting forth the amount of such annual payment, shall be signed by the parties, and recorded in the register of sasines; whereupon the tenure of such lands, if blench-farm, shall, by the force of this Act, be converted into the tenure of feu-farm, and such annual payment shall form the reddendo or feu-duty payable in respect of such lands; and if the tenure of such lands shall be already that of feu-farm, the said annual payment shall be added to the feu-duty; and such feu-duty, or additional feu-duty, as the case may be, shall be in all respects secured and recoverable, as if the same had been specified in the original rights of such lands, and had formed the reddendo or feu-duty, or part of the reddendo or feu-duty, of such original rights.

Kain, carriages, and services may be redeemed or commuted.

11. Kain, carriages, and services, and generally all returns other than feu-duty payable in money or grain or meal, which, under the existing title, are exigible by the superior for lands, may be redeemed and discharged by agreement between the parties upon payment of a capital sum as compensation, or, at the desire of either party, may be commuted to an annual payment of the average sum which has for a period of *five years* been paid as the commuted value thereof, or, where there has not been such payment in money for the period of *five years* immediately preceding, then of a sum equal to the average value thereof for such period of *five years* preceding, as the same may be agreed on by the parties, or fixed by the sheriff on the application of either party, and his judgment shall be final and not subject to review by any court; and a memorandum of such annual payment, in the form set forth in schedule

(B.) hereto annexed, or in a similar form, signed by the parties, or an extract of the sheriff's judgment shall be recorded in the register of sasines; whereupon such annual payment shall form the feu-duty, or an addition to the feu-duty, if any, with the same preference, and shall be in all respects secured and recoverable as if the same had been specified in the original rights of such lands, and had formed the reddendo or feu-duty, or part of the reddendo or feu-duty, of such original rights.

On redemption of casualties, kain, &c., discharge to be granted freeing lands.

12. In all cases in which either by agreement of parties or compulsorily in terms of the preceding sections hereof, any relief-duty, composition, or kain, carriages, services, or other returns, shall be purchased by the proprietor of the lands, the superior shall be bound, at the expense of the proprietor, to execute and deliver to such proprietor a discharge describing or referring to the lands, acknowledging receipt of the price, and discharging his right to such relief-duty, composition, or kain, carriages, services, or other returns in, or as nearly as may be, the form of schedule (C.) hereto annexed; and such discharge, when duly recorded in the register of sasines, shall operate as a disencumbrance of the lands from all such relief-duty, composition or kain, carriages, services, or other returns in future, as fully and effectually as if these had been specially renounced in the original grant.

Casualties of entailed superiority may be redeemed or commuted.

13. Provided always, that all such commutations, conversions, and purchases shall be lawful and take effect although the superiority shall form part of an estate held under a deed of strict entail, and shall not be construed as, nor be held or taken to imply, any contravention of any prohibition or clause irritant or resolutive expressed or implied in such deed of entail, anything contained in such deed of entail or in any Act of Parliament notwithstanding; and the price or value of such relief-duty, composition, kain, carriages, service, and other returns, when purchased, shall be applicable and applied in such and the like manner and to such and the like purposes as purchase money or compensation coming to parties having limited interests is made applicable under the "Lands Clauses Consolidation (Scotland) Act, 1845;" and in the event of the proprietor holding his estate under entail, such price or value paid for such relief-duty, composition, kain, carriages, services, or other returns shall be taken and held to be entailer's debt, and all remedies competent to the creditor for recovery of entailer's debt, and all remedies, powers, and faculties competent to an heir of entail in possession for payment of entailer's debt, whether at common law, by Statute, or otherwise, shall be competent to such

Price to be applied as compensation under "Lands Clauses Consolidation Act, 1845."

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creditor and to such proprietor and their heirs and representatives respectively.

PART III.

GENERAL ENACTMENTS.

Estate to vest without service.

14. Where the proprietor of lands dies intestate as regards such lands, the personal right to such lands shall vest in the person immediately entitled as heir to succeed thereto, without the necessity of service; and such heir, whether he shall possess such land or not, shall, on so succeeding, be deemed the proprietor of the lands, and the same shall pass to his heir entitled to succeed or to his disponee, although he shall die not served and not infeft, and shall be liable for the debts and deeds of the heir so dying: Provided always, that in questions with onerous bonâ fide purchasers from or creditors of the heir or disponee of any such heir so dying, such debts and deeds shall take effect only from the date when the conveyances constituting the same shall be respectively recorded in the register of sasines.

Heir not to be liable for ancestor's debts beyond value of estate.

15. No heir shall be liable for the debts of his ancestor beyond the value of the estate of such ancestor to which he succeeds as heir, and nothing herein contained shall prevent any heir from renouncing the succession to his ancestor.

Completion of title when deceased heir not served.

16. A title, as heir to, or disponee of, a proprietor of any lands who shall die not infeft and not served, but vested with a personal right to such lands, by virtue of this Act or otherwise, may be made up in the like manner as if such deceased proprietor held a disposition from the proprietor last infeft in the lands in favour of his immediate successor therein, and a disposition and assignation from each heir or disponee, if any, intervening between such immediate successor and the person so making up a title: Provided always, that in the service, or notarial instrument, or other writ expede for completing such title and recorded in the register of sasines, there shall be set forth the name and designation of every such proprietor having only a personal right who has intervened between the proprietor last infeft and the person so making up a title; and such notarial instrument may be in or as nearly as may be in the form of schedule (D.) annexed hereto.

Registration of a decree of division.

17. A decree of division of commonty, when recorded by any of the joint proprietors or their heirs or successors, along with a warrant of registration, in the register of sasines, shall have the

effect of a recorded conveyance, by all the joint proprietors, in favour of the party named in the warrant of registration. A.D. 1871.

Defect in testing clause may be corrected with leave of the court, and deed declared probative.

18. Where, in any deed, instrument, or writing, there shall be any error or omission in the testing clause, or in relation to the attestation, it shall notwithstanding be competent to prove by oral or other evidence, but always at the expense of the party leading such proof, that such deed, instrument, or writing was in fact duly executed; and such proof may be taken in any action or proceeding before the Court of Session in which such deed, instrument, or writing may be produced and objected to on the ground of such error or omission, or in a special application to the Court of Session or any lord ordinary of the said court to have such error or omission rectified or supplied; and upon such fact being proved, it shall be competent to the court, or either division of said court, or to any lord ordinary, in such action or proceeding, or in such special application, to allow such error or omission to be rectified or supplied at sight of the clerk of court; and on such error or omission being so rectified or supplied to declare such deed, instrument, or writing to be probative; and thereafter such deed, instrument, or writing shall, in all questions between the parties to such action or proceeding or special application, and their respective representatives, be deemed and taken to be probative, in like manner as if such error or omission had not existed: Provided always, that a certificate by the clerk of court in the form, or as nearly as may be in the form, of schedule (E.) hereto annexed shall be written upon some part of such deed, instrument, or writing, before the same is given up to the party leading such proof.

Reduction ex capite lecti abolished.

19. No deed, instrument, or writing of any person dying after the passing of this Act shall be liable to challenge or reduction on the head of death-bed; and no deed, instrument, or writing of any person who shall have died prior to the passing of this Act shall be liable to challenge or reduction on the head of death-bed after the lapse of *two* years after the commencement of this Act, except where the party entitled to challenge shall be then in minority, in which case his right of challenge or reduction may be exercised until he shall have attained the age of twenty-two years complete, but not thereafter.

Period of prescription shortened.

20. The period of prescription specified in the Acts of the Parliament of Scotland one thousand four hundred and sixty-nine, chapter twenty-eight, one thousand four hundred and seventy-four, chapter fifty-four, one thousand five hundred and ninety-four,

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chapter two hundred and eighteen, and one thousand six hundred and seventeen, chapter twelve, is hereby reduced from forty years to *twenty years*, and these Acts shall be read as if the word twenty had been inserted therein respectively, wherever the word forty occurs: Provided always, that this enactment shall not be available or pleadable in any action commenced prior to *first January one thousand eight hundred and seventy-five.*

Limitation.

Inhibitions to prescribe in five years;

21. All inhibitions, subsisting at the passing of this Act shall prescribe not later than on the lapse of *five years* after the said date, and all inhibitions which shall be recorded after the passing of this Act shall prescribe on the lapse of five years from the date on which such inhibition shall take effect: Provided always, that the raisers of any such inhibitions, or their heirs or assignees, may again record the same, or a memorandum signed by the party or his agent in terms of schedule (F.) hereto annexed, or in a similar form before the expiration of the said respective periods of five years, and on such inhibition or such memorandum being so recorded such inhibitions shall continue in force for an additional period of five years from the date of such subsequent recording, and such inhibition or memorandum may be again recorded, with the like effect, before the expiration of every subsequent period of five years: Provided, nevertheless, that in the case of inhibitions subsisting at the passing of this Act, no such inhibition shall in any case be effectual for a longer period than it would have remained in force if this Act had not been passed.

But may be registered anew.

Commencement of Act.

22. Unless in so far as herein otherwise provided, this Act shall take effect and commence on and after the *first day of January one thousand eight hundred and seventy-two.*

SCHEDULES.

A.D. 1871.

SCHEDULE (A.)

(No. 1.)

CONVEYANCE CONTAINING REDDENDO AND FEU-DUTY AND CONDITIONS AND OBLIGATIONS OF ORIGINAL FEU-RIGHTS OR REFERRING THERETO.

I, *A. B.*, of *C.*, in consideration of the price of 10,000*l.* sterling instantly paid to me by *M.*, whereof I discharge the said *M.*, have sold and disponed, as I hereby sell and dispone to the said *M.*, his heirs and assignees whomsoever, heritably and irredeemably, all and whole the lands of *N.* (*here describe them at full length, or refer to them as already described in terms of "The Titles to Land Consolidation Scotland Act*, 1868," *and if the lands are held under real burdens, conditions, or limitations, or under entail, insert the same or refer to them as directed in* § 9 *or* § 10 *of the said Act*), together with my whole right, title, and interest, present and future, therein, with entry at the term of 18 , to be holden *a me vel de me* [*or* a me]: Which lands and others are holden by me (*a*) of and under the Crown, *or* Prince and Steward of Scotland, *or X.* of *Z.* and his successors (*as the case may be*), immediate lawful superior thereof, for payment of (*here insert the reddendo and conditions and obligations of the original feu-right, in so far as these can be ascertained and are still in force or exigible*), *or say* "for payment of the reddendo and feu-duty and "performance of the conditions and obligations contained in the original feu-"rights of said lands as the same are set forth at length in an instrument of "sasine in favour of *R.*, dated the , "and recorded in the register of sasines on the (*or otherwise as the case may be*); (*b*) And I resign the lands, teinds, and others for new infeftment; and I assign the writs, and have delivered the same according to inventory (*or as the case may be*): And I assign the rents; and I bind myself to free and relieve the said disponee and his foresaids of all feu-duties, casualties, and public burdens; and I grant warrandice; and I consent to registration hereof for preservation [or for preservation and execution]. In witness whereof, *&c.*

Note.—The clauses are assumed here as occurring in a disposition, but they may be used in other deeds and conveyances; and in the event of it being necessary to omit, vary, or qualify any one or more of them, this may be done, and the other clauses may be retained.

(No. 2.)

MEMORANDUM OF REDDENDO TO BE WRITTEN ON CONVEYANCE DATED BEFORE THE PASSING OF THIS ACT, AND RECORDED THEREAFTER.

On the margin or back of the Conveyance, or on additional sheet or sheets, and immediately before the Warrant of Registration, say—"The within lands

A.D. 1871. and others of *N.* are holden by me (*or M., or as the case may be*), *&c., as in* (No. 1) *from* (*a*) *to* (*b*).

M.
or *E. F., W. S.*, Edinr.
Agent.
or *J. K.* & *L., W. S.*, Edinr., Agents.
[*or as the case may be.*]

SCHEDULE (B.)

MEMORANDUM CONSTITUTING AN ADDITIONAL FEU-DUTY.

Take notice that the lands of [*describe shortly or refer to the lands in terms of "The Titles to Land Consolidation (Scotland) Act*, 1868,"] belonging to [*name and designation of proprietor*] are liable [*if there be a feu-duty already payable, say*, "in addition to the existing feu-duty of £ "] in a feu-duty [*or, as the case may be*, in an additional feu-duty of £] payable to [*name and designation*] and his successors, at [*state terms, and whether with interest*], which additional feu-duty is constituted in respect of [*state here whether the additional feu-duty is in respect of a commutation of kain, or of a casualty, or as the case may be.*] In witness whereof.

SCHEDULE (C.)

DISCHARGE OF CASUALTIES, KAIN, &c.

I, *A.B.*, superior of the lands of *N.*, in consideration of the sum of £ , instantly paid to me by *M.*, proprietor of said lands, whereof I hereby acknowledge receipt, do hereby discharge the said *M.* and his heirs, executors, and successors, and the said lands of *N.* [*describe or refer to them as in Schedule B.*] of all right competent to me and my heirs and successors to any relief duty or composition on the entry of any heir or singular successor [*or* kain, *&c., or as the case may be.*] In witness whereof, &c.

SCHEDULE (D.)

NOTARIAL INSTRUMENT IN FAVOUR OF HEIR OR DISPONEE OF AN HEIR DYING UNSERVED OR UNINFEFT.

At there was by [*or* on behalf of] *A.B.* of *Z.* presented to me, notary public subscribing, a disposition [*specify the disposition or other deed or instrument or extract thereof, as the case may be*], recorded in the [*specify the*

register of sasines, and date of recording], by which recorded disposition [*or otherwise as the case may be*] *C.D.* of *Y.* was infeft in all and whole [*describe the lands or other subjects, as the case may be, as the same are described in the said disposition, or other deed or instrument*]; as also there was presented to me a general disposition [*or other deed or conveyance, or testamentary deed or writing, as the case may be, or an extract of such deed*], granted by *E.F.* of *Q.*, who had right as after mentioned and dated [*insert date*]; by which general disposition [*or otherwise, as the case may be*] the said *E.F.* disponed [*or otherwise as the case may be*] to the said *A.B.* and his heirs and assignees [*or otherwise as the case may be*] heritably and irredeemably [*or otherwise, as the case may be*] all and sundry the whole heritable estate [*or otherwise as the case may be*] of which he was [*or* might die] possessed [*or otherwise as the case may be. And if the deed be granted under any real burden, or condition, or qualification, add here,*—but always under the real burdens, &c. *And if the deed be granted in trust, or for specific purposes, add*—but always in trust, *or* for the uses and purposes mentioned in said general disposition [*or otherwise as the case may be*]; and it was represented to me that, upon the decease of the said *C.D.* of *Y.G.H.* his eldest son was his heir in the said lands, and by virtue of the Act [*specify this Act*] had a personal right thereto, but died unmarried, and not infeft and not served, and was succeeded by his immediate younger brother, the said *E.F.*, who was his heir in the said lands, and by virtue of the said Act had a personal right thereto, but also died not infeft and not served, having previously executed the said disposition in favour of the said *A.B.* [*or otherwise as the case may be*], and that by virtue of the said Act the said *A.B.* is empowered to complete his title to the said lands as if the said *E.F.* had held a disposition thereof from the said *C.D.* in favour of the said *G.H.*, and a disposition and assignation of said disposition by the said *G.H.* in favour of him the said *E.F.* Whereupon this instrument is taken in the hands of *L.M.* [*insert name and designation of notary public*] in terms of "The Titles to Land Consolidation (Scotland) Act, 1868," and "The Amendment of Land Rights (Scotland) Act, 1871." In witness whereof these presents written on this and the preceding pages by *G.H.*, are subscribed by me, before these witnesses the said *G.H.* and *I.K.*

SCHEDULE (E.)

I, *A.B.*, Principal [*or* Depute, *or* Assistant] Clerk of Session, hereby certify that in an action before the Lords of Council and Session at the instance of *C.D.* v. *E.F.* [*here specify the whole parties to the action*] [*or* in a petition to the Lords of Council and Session at the instance of *C.D.* in which *E.F.*, *&c.* [*specify whole parties*] were cited as respondents]. The Rt. Hon. the Lords of Council and Session, or the Hon. Lord M. (Ordinary), allowed the testing clause of the within deed, instrument, or writing to be rectified by [*here state the nature of the rectification or of the omission to be supplied as in*

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the interlocutor]; and the said rectification having been duly made [*or* the said omission having been duly supplied] at my sight, the said Lords [*or* the said Lord M.] declared the said deed, &c., to be probative, all conform to interlocutors dated [*specify dates of interlocutors allowing rectification, &c., and declaring deed, &c. to be probative*].

A.B., Principal *or* Depute *or* Assistant } Clerk of Session.

SCHEDULE (F.)

MEMORANDUM RECORDING AN INHIBITION OF NEW.

Renew inhibition at the instance of *A.* [*here insert designation of inhibitor*] against *B.* [*here insert designation of party inhibited*], recorded in this register [*or as the case may be*], on the day of on behalf of the said *A.* [*or if the party in right of the inhibition be an heir, assignee, &c., say* [on behalf of *C.* [*insert designation and state shortly the title by which he has right to the inhibition*].

G.M., W.S., [*or otherwise as the case may be*] Edinburgh.
Agent,
or Party.

Land Rights and Deeds (Scotland).

A

B I L L

To amend the Law relating to Land Rights and Deeds in Scotland.

(*Prepared and brought in by Mr. Gordon and Mr. Charles Dalrymple.*)

Ordered, by The House of Commons, *to be Printed*, 21 *March* 1871.

[Bill 84.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Land Rights and Deeds in Scotland. A.D. 1871.

WHEREAS it is expedient that charters by progress granted by a superior shall no longer be necessary for the completion of titles to property, and that the law relating to land rights and to deeds in Scotland should be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Land Rights (Scotland) Act, 1871."

Interpretation of terms.

2. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

"Lands" in Parts I. and II. of this Act shall include all heritable subjects, rights, and interests, which are or might be held of a superior by the tenure of blench-farm or feu-farm, and in this section and in Part III. shall include lands and all heritable subjects, rights, and interests of every description whatsoever:

The word "conveyance" and the word "deed" shall each have the meaning attached to it by "The Titles to Land Consolidation (Scotland) Act, 1868," and shall also include all the deeds and writings specified in this Act; and the words "heritable securities" shall also have the meaning attached to them by the said Act:

The word "instrument" shall have the meaning attached to

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it by the said Act, and shall also include all instruments authorised by this Act:

The word "charter" and the word "writ" shall each extend to and include all writs, charters, and precepts, whether from the Crown or from subject superiors:

The word "Crown" shall extend to and include Her Majesty and Her royal predecessors and successors, and the prince and steward of Scotland, and his royal predecessors and successors:

The word "superior" shall extend to and include the Crown as well as subject superiors, and shall mean every person of whom lands are or might be holden by the tenure of blench-farm or feu-farm:

The expressions "proprietor of lands" and "proprietor" shall each extend to and include every vassal in lands, and every person who has right in or to lands by succession testate or intestate, or by singular titles:

The word "granter" shall extend to and include all persons by or from whom any conveyance of lands, voluntary, legal, or judicial, is granted or derived, and all persons, to a disposition from whom, the decree or warrant of any court is held to be equivalent:

The words "infeft" and "infeftment" shall each extend to and include the due registration in the appropriate register of sasines of any deed or conveyance, whether before or after the commencement of this Act, by which registration a real right to lands has been or shall be constituted:

The word "sheriff" shall mean the sheriff or sheriff-substitute of the county, or steward or steward-substitute of the stewartry in which any lands are situated:

The word "casualties" shall extend to and include "relief duty" payable on the entry of an heir, composition payable on the entry of a singular successor, non-entry, and non-entry duties.

PART I.

ENTRY WITH SUPERIORS BY CHARTER, WRIT, OR PRECEPT, NO LONGER NECESSARY TO THE VALIDITY OF TITLES OF PROPRIETOR OF LANDS.

Charters by progress no longer necessary.

3. From and after the commencement of this Act, notwithstanding any provision or stipulation to the contrary in any existing Statute, whether public or private, or in any conveyance, whether dated before or after the passing of this Act:

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(A.) It shall not be necessary in order to the completion of the title of any proprietor to lands, that he shall obtain from the the superior of such lands any charter, precept, or other writ by progress; and it shall not be competent for the superior in any case to insist upon such proprietor taking out any such charter, precept, or other writ by progress:

Infeftment to imply confirmation, liability for feu-duties, &c.;

(B.) Every proprietor who is or shall be duly infeft in lands under or in virtue of a conveyance in which the manner of holding is expressed or may be inferred or implied to be otherwise than de me or of the granter only, shall be deemed and held to be as at the date of the registration of such infeftment in the register of sasines duly entered with the superior of such lands, whose estate of superiority is not defeasible at the will of the proprietor so infeft, and that, whether the superior's own title has been completed or not:

Implied confirmation not to affect rights of superiors to feu-duties, &c.

(C.) Provided always, that such implied entry shall in no way prejudice or affect the right or title of such superior to any casualties, feu-duties, or arrears which may be due or exigible at or prior to the date of such implied entry, with the exception of the casualty of life-rent escheat, which casualty is hereby abolished; and all rights and remedies competent to a superior under the existing law and practice for recovering, securing, and making effectual such casualties, feu-duties, and arrears, and all the obligations and conditions in the original rights prestable to or exigble by the superior, in so far as the same may not have ceased to be operative in consequence of the provisions of this Act or otherwise, shall continue to be available to such superior in time coming; but provided always, that such implied entry shall not entitle the superior to demand any casualty sooner than he would have been entitled to demand the same by the existing law and practice:

Action in lieu of a declarator of non-entry.

(D.) Provided always, that in lieu of an action of declarator of non-entry, a superior may, notwithstanding any entry effected by virtue of this Act, raise an action for payment of any casualty which, if this Act had not passed, would have been exigible at the date of such action; and any decree for payment in such action shall have the effect of and operate as a decree of declarator of non-entry, but shall cease to have such effect upon the payment of such casualty:

Corporation to pay composition every 25 years.

(E.) Provided farther, that unless where it has been or shall be otherwise stipulated, corporations shall pay at the date at which the first composition would have been payable, if this Act had not been passed, and every twenty-fifth year thereafter, a sum

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equal to what, but for the passing of this Act, would have been payable on entry by a singular successor.

Heritable creditors and superiors not to be prejudiced.

(F.) Provided farther that no heritable creditor publicly infeft by the operation of this Act shall be liable to any casualty by reason thereof, and that the superior's right to the casualties payable by the proprietor for the time shall not be prejudiced.

Express stipulations as to notice to superior of change of ownership, &c. not to be affected.

4. In all cases in which it has been stipulated in the existing investitures of lands that heirs or singular successors of a proprietor of lands shall enter with the superior within a certain specified period after the death of the vassal last entered and infeft, or after a change of ownership, or at certain specified times, it shall be sufficient compliance with such stipulation if the person so bound to enter shall duly expede infeftment in such lands in terms of this Act.

Existing forms of entry with superior may be used if proprietor of lands so desires.

5. Nothing in this Act contained shall prevent any proprietor of lands from completing his title, if he shall so desire, to such lands, by being entered with the superior thereof in any of the forms heretofore competent.

PART II.

COMMUTATION AND PURCHASE OF UNTAXED CASUALTIES OF SUPERIORITY, AND PROHIBITION OF UNTAXED CASUALTIES IN FUTURE FEU-RIGHTS.

Untaxed relief duty and composition not to be exigible under future grants.

6. It shall not be lawful for any superior of lands held of him in virtue of any blench-right or feu-right granted after the passing of this Act to demand any payment for or in name of relief-duty in respect of or in lieu of the entry of any heir on succeeding to such lands, or for or in name of composition in respect of or in lieu of the entry of any singular successor on the acquisition of such lands: Provided always, that nothing herein contained shall prevent any superior from stipulating for the payment of a duplicand of the feu-duty, or of any fixed or definite addition to the feu-duty to be made by the proprietor of such lands for the time, at the end of every period of twenty-five years, or at the end of every fixed or definite period of years more or fewer than twenty-five, and from demanding and enforcing payment by such proprietor accordingly.

Untaxed casualties may be purchased by proprietor.

7. It shall be lawful for the proprietor of any lands in respect of which the casualties of relief on the entry of heirs and of composition on the entry of singular successors may be payable, whether by express stipulation or otherwise, but where the pecuniary amount

of such casualties or of the casualty of composition is not fixed or taxed in the blench-rights or feu-rights of such lands, to require that such casualties or casualty, after payment of any casualties that may be actually exigible at the time, shall be redeemed and discharged upon payment, where such composition is payable upon the expiration of a fixed interval of twenty years or under, or upon each transfer of land, or within a fixed period thereafter, of compensation equal to two years rent if let, or two years annual value if unlet, of the lands at the time of redemption, and, in all other cases, of compensation equal to one and a half year's rent if let, or, one and a half year's annual value if unlet, of the lands at the time of redemption, under deduction in all cases of the feu-duty and of one fifth part of such rent or annual value for burdens, repairs, and all other usual abatements.

Proprietor may insist for commutation of untaxed casualties.

8. When a proprietor has required such casualties to be redeemed and discharged as aforesaid, it shall be lawful either to the superior or to the proprietor to insist that, in place of the capital sum of redemption money for casualties above provided, there shall be paid to the superior an annual sum equal to interest at the rate of four per cent. upon such capital sum, by way of commutation therefor; and where any casualties shall be commuted for an annual money payment, a memorandum in the form set forth in schedule (A.) hereto annexed, or in a similar form, setting forth the amount of such annual payment, shall be signed by the parties, and recorded in the register of sasines; whereupon the tenure of such lands, if blench-farm, shall, by the force of this Act, be converted into the tenure of feu-farm, and such annual payment shall form the reddendo or feu-duty payable in respect of such lands; and if the tenure of such lands shall be already that of feu-farm, the said annual payment shall be added to the feu-duty; and such feu-duty, or additional feu-duty, as the case may be, shall be in all respects secured and recoverable, as if the same had been specified in the original rights of such lands, and had formed the reddendo or feu-duty, or part of the reddendo or feu-duty, of such original rights.

Kain, carriages, and services may be redeemed or commuted.

9. Kain, carriages, and services, and generally all returns other than feu-duty payable in money or grain or meal, which, under the existing title, are exigible by the superior for lands, may be redeemed and discharged by agreement between the parties upon payment of a capital sum as compensation, or, at the desire of either party, may be commuted to an annual payment of the average sum which has for a period of five years immediately preceding been paid as the commuted value thereof, or, where there has not been such pay-

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ment in money for such period of five years, then of a sum equal to the average value thereof for such period of five years immediately preceding, as the same may be agreed on by the parties, or fixed by the sheriff on the application of either party, and his judgment shall be final and not subject to review by any court; and a memorandum of such annual payment, in the form set forth in schedule (A.) hereto annexed, or in a similar form, signed by the parties, or an extract of the sheriff's judgment shall be recorded in the register of sasines; whereupon such annual payment shall form the feu-duty, or an addition to the feu-duty, if any, with the same preference, and shall be in all respects secured and recoverable as if the same had been specified in the original rights of such lands, and had formed the reddendo or feu-duty, or part of the reddendo or feu-duty, of such original rights.

On redemption of casualties, kain, &c., discharge to be granted freeing lands.

10. In all cases in which either by agreement of parties or compulsorily in terms of this Act, any relief-duty, composition, or kain, carriages, services, or other returns, shall be purchased by the proprietor of the lands, the superior shall be bound, at the expense of the proprietor, to execute and deliver to such proprietor a discharge describing or referring to the lands, acknowledging receipt of the price, and discharging his right to such relief-duty, composition, or kain, carriages, services, or other returns in, or as nearly as may be, in the form of schedule (B.) hereto annexed; and such discharge, when duly recorded in the register of sasines, shall operate as a disencumbrance of the lands from all such relief-duty, composition, or kain, carriages, services, or other returns in future, as fully and effectually as if these had been specially renounced in the original grant.

Casualties of entailed superiority may be redeemed or commuted.

11. All commutations, conversions, and purchases, made in pursuance of this Act, shall be lawful and take effect although the superiority shall form the whole or part of an estate held under a deed of strict entail, or shall be possessed by any of the parties specified in the seventh section of the Lands Clauses Consolidation (Scotland) Act, 1845, and such commutations and purchases shall not be construed as, nor be held or taken to imply, any contravention of any prohibition or clause irritant or resolutive expressed or implied in such deed of entail, or in any conveyance or title, under or in virtue of which such superiority may be held or possessed, anything contained in such deed of entail, conveyance, or title, or in any Act of Parliament notwithstanding; and the price or value of such casualties, kain, carriages, service, and other returns, when purchased, and not converted into an annual payment, shall be applicable and

Price to be applied as compensation under

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applied in such and the like manner and to such and the like purposes as purchase money or compensation coming to parties having limited interests is made applicable under the "Lands Clauses Consolidation (Scotland) Act, 1845;" and the expense of such commutations, conversions, and purchases, and generally the whole expense which under the seventy-ninth section of said last-recited Act may be ordered by the Court of Session to be paid by the promoters of undertakings within the meaning of said Act may be ordered by the said court to be paid by the proprietor; and in the event of the proprietor holding his estate under entail, such price or value paid for such casualties, kain, carriages, services, or other returns shall be taken and held to be debt affecting the entailed estate, and all remedies competent to creditors for recovery of such debt, and all powers and faculties competent to heirs of entail in possession with reference to such debt, shall be competent to such proprietor and his heirs and successors respectively.

"Lands Clauses Consolidation Act, 1845."

Monopoly of superior's agent abolished, and sub-infeudation not to be prohibited in future.

12. Conditions or prohibitions made after the passing of this Act, in whatever terms expressed, to the effect that the superior shall be entitled to select or appoint an agent to prepare or record conveyances connected with the estate of any proprietor of lands, or to restrain or restrict such proprietor in the selection of a law agent to prepare or record such conveyances, or to secure any privilege of the nature of a monopoly to the agent of the superior, or to an agent or agents selected or appointed by him; or that any proprietor of lands shall be bound to intimate to the superior of such lands any change of ownership, whether by succession or singular title, or to pay any fees or expenses in connection with such changes of ownership; or to the effect that it shall not be lawful to the proprietor of lands to subfeu the same to be holden of himself as immediate lawful superior thereof, shall not be binding or capable of being enforced, anything in any Act of Parliament, public or private, to the contrary notwithstanding: Provided that nothing herein contained shall be held to render binding or effectual any such conditions or prohibitions made prior to the passing of this Act.

PART III.

General Enactments.

Provision as to allocation of feu-duty.

13. When a proprietor desires to obtain the benefit of any power of allocation of the feu-duty contained in the original grant, whether with or without augmentation, he may, either before or after the

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deed in his favour is recorded in the register of sasines, present the same to the superior or his known agent, and obtain a memorandum endorsed thereon in or as nearly as may be in the form of schedule (C.) hereto annexed.

Estate to vest without service in case of proprietor dying after this Act commences.

14. Where a proprietor of lands, whether infeft or uninfeft therein, dies intestate as regards such lands, a personal right to such lands shall vest in the person then next entitled as heir to succeed thereto, without the necessity of service or other title; and the same shall pass to his heir entitled to succeed or to his disponee, although he shall die not served and not infeft, and without having entered into possession, and shall be liable for the debts and deeds of the heir so dying, in the same way and to the same effect as if such heir had a personal right to the said lands according to the existing law and practice.

Similar provision as to heir of a proprietor dying before commencement of this Act.

15. In like manner, where a proprietor of lands, whether infeft or uninfeft therein, has died prior to the commencement of this Act, intestate as regards such lands, a personal right to such lands shall vest in the person entitled to succeed as heir thereto at the commencement of this Act, without the necessity of service or other title; and the same shall pass to his heir entitled to succeed or to his disponee, although he shall die not served and not infeft, and without having entered into possession, and shall be liable for the debts and deeds of the heir so dying, in the same way and to the same effect as if such heir held a personal right to the said lands according to the existing law and practice.

Heir not to be liable for ancestor's debts beyond value of estate.

16. No heir, whether served or not served, shall be liable for the debts of his ancestor beyond the value of the estate of such ancestor to which he succeeds as heir, and nothing herein contained shall prevent any heir from renouncing the succession to his ancestor.

Completion of title when deceased heir not served.

17. A title, as heir to, or disponee of, a proprietor of any lands who shall die not infeft and not served, but vested with a personal right to such lands, by virtue of this Act or otherwise, may be made up in the like manner as if such deceased proprietor held a disposition from the proprietor last infeft in the lands in favour of his immediate successor therein, and a disposition and assignation from each heir or disponee, if any, intervening between such immediate successor and the person so making up a title: Provided always, that the heir or disponee making up such title shall present a petition to the sheriff of Chancery, or the sheriff of the county where the lands are situated, in or as nearly as may be in the form of schedule (D.) hereunto annexed, setting forth the name of the

proprietor last infeft, a description of the lands, or a valid reference thereto, and the names and designations of every proprietor having only a personal right therein, who has intervened between the proprietor last infeft and the petitioner, and also setting forth the petitioner's own title to the said lands, and on the decree pronounced on said petition finding the facts therein set forth proved, and that the petitioner is entitled to be infeft in the said lands, being recorded in Chancery, and extracted, and with warrant of registration thereon in the usual form, recorded in the appropriate register of sasines, the petitioner shall be held to be duly infeft in said lands.

Petition to be proceeded with as if it were a petition for special service.

18. Such petition shall be presented, published, and carried through in all respects as if the same were a petition for special service under the provisions of "The Titles to Land Consolidation (Scotland) Act, 1868," any law or practice to the contrary notwithstanding; and upon decree on such petition being duly recorded as aforesaid in the appropriate register of sasines, it shall have the same effect as a decree of special service duly recorded in terms of said last-mentioned Statute; and the whole provisions and enactments of said last-recited Act contained in the twenty-seventh and fifty-eighth and whole intervening sections thereof shall be held to apply and shall apply to all proceedings taken under the seventeenth and eighteenth sections of this Act: Provided always, that where the person last infeft in the said lands shall have died leaving a conveyance thereof, or a general disposition of his heritable estate, or a testamentary or mortis causa deed or writing within the meaning of the twentieth section of the last-recited Act, or where the heir of such person shall have expede a special service as his heir in special in such lands, but shall have died without having been duly infeft on such service, it shall be competent to the heir or disponee obtaining such decree under this Act to complete his title to such lands by notarial instrument in or as nearly as may be in the form of schedule (E.) hereto annexed, provided that nothing contained in this Act shall prevent any heir or disponee from completing his title under any of the forms authorised or made competent by the said last-mentioned Statute.

Notarial instrument or decree.

Completion of title by notarial instrument when deceased heir not served.

19. A title, as heir to, or disponee of, a proprietor of any lands who shall die not infeft and not served, but vested with a personal right to such lands, by virtue of this Act or otherwise, may also be made up as if such deceased proprietor held a disposition from the proprietor last infeft in the lands in favour of his immediate successor therein, and a disposition and assignation from each heir

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or disponee, if any, intervening between such immediate successor and the person so making up a title: Provided always, that in the service, or notarial instrument, or other writ expede for completing such title and recorded in the register of sasines, there shall be set forth the name and designation of every such proprietor having only a personal right who has intervened between the proprietor last infeft and the person so making up a title; and such notarial instrument may be in or as nearly as may be in the form of schedule (F) annexed hereto.

Registration of a decree of division.

20. A decree of division of commonty, whether dated before or after the commencement of this Act, when recorded by any of the joint proprietors or their heirs or successors, along with a warrant of registration, in the register of sasines, shall have the effect of a recorded conveyance, by all the joint proprietors, in favour of the party named in the warrant of registration.

Defect in testing clause may be corrected with leave of the court, and deed declared probative.

21. Where, in any deed, instrument, or writing, of whatever kind and whether relating to lands or not, and whether executed before or after the commencement of this Act, there shall be any error or omission in the testing clause, it shall notwithstanding be competent to prove by oral or other evidence, but always at the expense of the party leading such proof, that such deed, instrument, or writing was in fact duly executed; and such proof may be taken in any action or proceeding before the Court of Session or the sheriff of Chancery or other sheriff in which such deed, instrument, or writing may be produced and objected to on the ground of such error or omission; or in a special application to either division of the Court of Session or any Lord Ordinary of the said court to have such error or omission rectified or supplied, and after intimation to all persons interested at the time, and upon such fact being proved, it shall be competent to the court, or either division of the said court, or to any Lord Ordinary, or to the sheriff, as the case may be, in such action or proceeding, or to the Court of Session or either division of the said court, or any Lord Ordinary in such special application, to allow such error or omission to be rectified or supplied at sight of the clerk of court; and on such error or omission being so rectified or supplied to find such deed, instrument, or writing to be probative to the same effect as if there had been no such error or omission; and thereafter such deed, instrument, or writing shall be deemed and taken to be probative, as between the parties to such action, proceeding, or special application as the case may be, and all persons deriving right through such parties or any of them in like manner as if such error or omission had not existed: Pro-

vided always, that a certificate by the clerk of court in the form, or as nearly as may be in the form, of schedule (G.) hereto annexed, shall be written upon some part of such deed, instrument, or writing, before the same is given up to the party leading such proof, and that where such deed, instrument, or writing, shall be recorded in the Register of Sasines, such certificate shall also be recorded along with and as part of such deed, instrument or writing. A.D. 1871.

22. No deed, instrument, or writing of any person dying after the passing of this Act shall be liable to challenge or reduction on the head of death-bed; and no deed, instrument, or writing of any person who shall have died prior to the passing of this Act shall be liable to challenge or reduction on the head of death-bed after the lapse of two years after the commencement of this Act, except where the party entitled to challenge shall be then in minority, in which case his right of challenge or reduction may be exercised until he shall have attained the age of twenty-two years complete, but not thereafter. Reduction ex capite lecti abolished.

23. The period of prescription specified in the Acts of the Parliament of Scotland one thousand four hundred and sixty-nine, chapter twenty-eight, one thousand four hundred and seventy-four, chapter fifty-four, one thousand five hundred and ninety-four, chapter two hundred and eighteen, and one thousand six hundred and seventeen, chapter twelve, is hereby reduced from forty years to twenty years, and these Acts shall be read as if the word twenty had been inserted therein respectively wherever the word forty occurs: Provided always, that this enactment shall not be available or pleadable in any action commenced prior to first January one thousand eight hundred and seventy-five. Period of prescription shortened. Limitation.

24. All inhibitions, subsisting at the passing of this Act shall prescribe not later than on the lapse of five years after the said date, and all inhibitions which shall be recorded after the passing of this Act shall prescribe on the lapse of five years from the date on which such inhibition shall take effect: Provided always, that the raisers of any such inhibitions, or their heirs or assignees, may again record the same, or a memorandum signed by the party or his agent in terms of schedule (H.) hereto annexed, or in a similar form before the expiration of the said respective periods of five years, and on such inhibition or such memorandum being so recorded such inhibitions shall continue in force for an additional period of five years from the date of such subsequent recording, and such inhibition or memorandum may be again recorded, with the like effect, before the expiration of every subsequent period of five years: Provided, nevertheless, that in the case of inhibitions Inhibitions to prescribe in five years; But may be registered anew.

subsisting at the passing of this Act, no such inhibition shall in any case be effectual for a longer period than it would have remained in force if this Act had not been passed.

Heritable security over lands sold to remain in force although personal obligation discharged.

25. Whereas doubts have arisen whether a discharge by an heritable creditor of the personal obligations contained in a bond and disposition in security does not operate as a discharge also of the heritable security, it is hereby enacted that where, on a transfer of lands subject to a bond and disposition in security, a bond of corroboration thereof has been or shall be granted to the heritable creditor by the purchaser, and the heritable creditor has granted or shall grant a discharge in favour of the seller or granter of the bond and disposition in security, of the personal obligations therein contained, such discharge shall not import a discharge of the heritable security created in the bond and disposition in security; but such security, together with the relative powers of sale, shall remain in full force and effect, and shall be held and deemed to attach to the personal obligations contained in the bond of corroboration.

Personal obligation transferred of lands subject to an heritable security.

26. From and after the passing of this Act, in case lands shall be sold subject to a bond and disposition in security, and the heritable creditor, in right thereof, shall consent to accept the purchaser as his debtor in room of the seller or granter of the bond and disposition in security, it shall be lawful to express such consent in the conveyance, and to make the heritable creditor a party thereto, and on the purchaser being duly infeft in the lands, he shall be deemed and held to be personally liable for the whole sums of money, principal, interest, and penalties, and whole other obligations and conditions prestable or exigible under the bond and disposition in security, to the same effect as if he had been the granter of the same, or had executed a bond of corroboration thereof; and the seller shall thereupon be free and discharged from the whole personal obligations and prestations of the bond and disposition in security as fully and effectually as if the heritable creditor had granted a discharge thereof in his favour; and such discharge shall in no wise affect the heritable security created by the said bond and disposition in security, and powers of sale thereby conferred, which shall remain valid and effectual to the heritable creditor against the said lands and purchaser thereof.

Rights of companies, &c., under Lands Clauses Act reserved.

27. Nothing in this Act contained shall be held in any way to repeal or alter the provisions of the one hundred and twenty-sixth section of "The Lands Clauses Consolidation (Scotland) Act, 1845."

Commencement of Act.

28. Unless in so far as herein otherwise provided, this Act shall take effect and commence on and after the first day of January one thousand eight hundred and seventy-two.

SCHEDULES.

SCHEDULE (A.)

MEMORANDUM CONSTITUTING AN ADDITIONAL FEU-DUTY.

Take notice that the lands of [*describe shortly or refer to the lands in terms of "The Titles to Land Consolidation (Scotland) Act*, 1868,"] belonging to [*name and designation of proprietor*] are liable [*if there be a feu-duty already payable, say,* "in addition to the existing feu-duty of £ "] in a feu-duty [*or, as the case may be,* in an additional feu-duty of £] payable to [*name and designation*] and his successors, at [*state terms, and whether with interest*], which additional feu-duty is constituted in respect of [*state here whether the additional feu-duty is in respect of a commutation of kain, or of a casualty, or as the case may be.*] In witness whereof, &c.

(*To be signed by the parties.*)

SCHEDULE (B.)

DISCHARGE OF CASUALTIES, KAIN, &c.

I, *A.B.*, superior of the lands of *N.*, in consideration of the sum of £ , instantly paid to me by *M.*, proprietor of said lands, whereof I hereby acknowledge receipt, do hereby discharge the said *M.* and his heirs, executors, and successors, and the said lands of *N.* [*describe or refer to them as in Schedule A.*] of all right competent to me and my heirs and successors to any relief duty or composition on the entry of any heir or singular successor [*or kain, &c., or as the case may be.*] In witness whereof, &c.

SCHEDULE (C.)

MEMORANDUM OF ALLOCATION OF FEU-DUTY.

The proportion of the original feu-duty of £ allocated upon the lands within disponed [*or as the case may be*], is hereby fixed at £ , [*and if an augmentation has been stipulated for, add*] with £ of augmentation, making a total of £ .

(Signed) *A. B.* (*or his known agent.*)

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SCHEDULE (D.)

Petition for completing a Title to Lands under "The Land Rights (Scotland) Act, 1871," *where a Proprietor or Proprietors having only a personal Title have intervened between the Proprietor last infeft and the Petitioner.*

Unto the Honourable the Sheriff of [*specify the county, or say* "of Chancery"],

The

Petition of *A.B.* of *G.*

Humbly sheweth,

That the late *C.D.* of *G.* died last vest and seized in all and whole [*describe or refer to the lands or subjects, as the case may be, as the same are described in the recorded deed or instrument in favour of the person who died last vest and seized in the lands, or in some prior recorded deed or instrument*], conform to instrument of sasine [*or other recorded deed, as the case may be,*] recorded in the [*specify the register of sasines and date of recording, and when there are any real burdens, conditions, or qualifications, here specify or refer to them*].

That upon the death of the said *C.D.*, *E.F.* his eldest son [*or otherwise, as the case may be,*] was his heir in the said lands.

Or, that upon the death of the said *C.D.*, *E.F.* his eldest son [*or otherwise as the case may be,*] expede a special service to him as heir in the said lands, conform to decree of special service in his favour, pronounced by the sheriff of [*specify decree,*] but died without having recorded in the register of sasines.

Or, that the said *C.D.*, by disposition dated [*specify date*], conveyed the said lands and others to *E.F.*

Or, that the said *C.D.*, by general disposition, conveyed his whole estate, heritable and moveable, to *E.F.*

Or otherwise specify the nature of the right in the person of E.F.

That the said *E.F.* disponed the said lands to *G.H.* conform to [*describe title by name and date, and where there are any real burdens, conditions, or qualifications, specify or refer to them*].

That the said *G.H.* also died, having only a personal right to the said lands, and was succeeded by his eldest son *K.L.*, his nearest and lawful heir in the said lands, [*or otherwise, as the case may be*].

That the said *K.L.* also died, having only a personal right to the said lands, and was succeeded by the petitioner the said *A.B.* his eldest son [*or otherwise, as the case may be*], and nearest and lawful heir to the said lands [*or when the petitioner is a disponee, say*]. That the petitioner is the disponee of said lands conform to disposition *or* general disposition [*or otherwise, as the case may be*], dated [*specify date*] granted by the said *K.L.* in favour of [*specify name of disponee*], but died having only a personal right to such lands; [*and if the deed be granted under any real burden, or condition, or qualification, add,*] but always under the burden, &c.; [*and if the deed be granted in trust or for specific purposes, add*], but always in trust or for the uses, ends, and purposes mentioned in the said general disposition [*or otherwise, as the case may be*].

May it therefore please your Lordship to find the facts above set forth

proved, and that the petitioner is entitled to procure himself infeft in the foresaid lands, in terms of "The Land Rights (Scotland) Act, 1871," and to decern. A.D. 1871.

According to justice, &c.

[*Signed by the petitioner or his mandatory.*]

SCHEDULE (E.)

NOTARIAL INSTRUMENT IN FAVOUR OF HEIR OR DISPONEE OF A PERSON DYING UNSERVED OR UNINFEFT.

At there was by [*or* on behalf of] *A.B.* of *Z.* presented to me, notary public subscribing, a disposition [*specify the disposition or other deed or instrument or extract thereof, as the case may be*], recorded in the [*specify the register of sasines, and date of recording*], by which recorded disposition [*or otherwise as the case may be*] *C.D.* of *Y.* was infeft in all and whole [*describe or refer to the lands or other subjects, as the case may be, as the same are described or referred to in the said disposition, or other deed or instrument*]; as also there was presented to me (1) a disposition [*or otherwise specify the conveyance or general disposition or testamentary or Mortis Causa deed or writing by C.D., or the decree of special service to C.D., as the case may be*], dated the day of granted by the said *C.D.* in favour of *E.F.* [*or in the case of a decree of special service, expede by the said E.F. to the said C.D.; here specify its terms*], whereby the said *C.D.* disponed to the said *E.F.*, his heirs and assignees [*or* was decerned heir in special to the said *C.D., or otherwise, as the case may be*], in all and whole [*describe or refer to the lands, or other subjects conveyed or contained in the said decree of service*] [here specify and enumerate in their order all the Acts and Writs specified or referred to in the decree of the sheriff under "The Land Rights (Scotland) Act, 1871," and forming the links connecting *A.B.* with *C.D.*]; as also there was presented to me a decree pronounced by the sheriff of dated the day of and recorded in Chancery and extracted in favour of the said *A.B.*, whereby the said sheriff found the facts therein stated and herein-before referred to to be proved, and that the said *A.B.* was entitled to procure himself infeft in the foresaid lands in terms of the said Land Rights (Scotland) Act, 1871, and decerned. Whereupon this instrument is taken in the hands of *L.M.* [*insert name and designation of notary public*] in terms of "The Titles to Land Consolidation (Scotland) Act, 1868," and "The Land Rights (Scotland) Act, 1871." In witness whereof these presents, written on this and the preceding pages by *I.K.*, my clerk, are subscribed by me, before these witnesses the said *I.K.* and *M.N.*, also my clerk.

A.D. 1871.

SCHEDULE F.

NOTARIAL INSTRUMENT IN FAVOUR OF HEIR OR DISPONEE OF AN HEIR DYING UNSERVED OR UNINFEFT.

At there was by [*or* on behalf of] *A.B.* of *Z.* presented to me, notary public subscribing, a disposition [*specify the disposition or other deed or instrument or extract thereof, as the case may be*], recorded in the [*specify the register of sasines, and date of recording*], by which recorded disposition [*or otherwise, as the case may be*] *C.D.* was infeft in all and whole [*describe the lands or other subjects, as the case may be, as the same are described in the said disposition, or other deed or instrument*]; as also there was presented to me a general disposition [*or other deed or conveyance, or testamentary deed or writing, as the case may be, or an extract of such deed*], granted by *E.F. of Q.*, who had right as after mentioned and dated [*insert date*]; by which general disposition [*or otherwise as the case may be*] the said *E.F.* disponed [*or otherwise as the case may be*] to the said *A.B.* and his heirs and assignees [*or otherwise, as the case may be*] heritably and irredeemably [*or otherwise, as the case may be*] all and sundry the whole heritable estate [*or otherwise, as the case may be*] of which he was [*or* might die] possessed [*or otherwise, as the case may be. And if the deed be granted under any real burden, or condition, or qualification, add here,*—but always under the real burdens, &c. *And if the deed be granted in trust, or for specific purposes, add*—but always in trust, *or* for the uses and purposes mentioned in said general disposition [*or otherwise, as the case may be*]; and it was represented to me that, upon the decease of the said *C.D. G.H.* his eldest son was his heir in the said lands, and by virtue of the "Land Rights (Scotland) Act, 1871," had a personal right thereto, but died unmarried, and not infeft and not served, and was succeeded by his immediate younger brother the said *E.F.*, who was his heir in the said lands, and by virtue of the said Act had a personal right thereto, but also died not infeft and not served, having previously executed the said disposition in favour of the said *A.B.* [*or otherwise, as the case may be*], and that by virtue of the said Act the said *A.B.* is empowered to complete his title to the said lands as if the said *E.F.* had held a disposition thereof from the said *C.D.* in favour of the said *G.H.*, and a disposition and assignation of said disposition by the said *G.H.* in favour of him the said *E.F.* Whereupon this instrument is taken in the hands of *L.M.* [*insert name and designation of notary public*] in terms of "The Titles to Land Consolidation (Scotland) Act, 1868," and "The Land Rights (Scotland) Act, 1871." In witness whereof these presents, written on this and the preceding pages by *G.H.*, are subscribed by me, before these witnesses the said *G.H.* and *I.K.*

SCHEDULE (G.)

I, *A.B.*, Principal [*or* Depute, *or* Assistant] Clerk of Session, *or* sheriff clerk [*as the case may be*] hereby certify that in an action before the Lords of Council and Session, or sheriff of [*as the case may be*] at the instance of *C.D.* v. *E.F.* [*here specify the whole parties to the action*] [*or* in a petition to the Lords of Council and Session at the instance of *C.D.*, in which *E.F.*, *&c.* [*specify whole parties*] were cited as respondents]. The Lords of Council and Session or, Lord M. (Ordinary), or the sheriff of [*as the case may be*] allowed the testing clause of the within deed or instrument, or writing [*as the case may be*] to be rectified by [*here state the nature of the rectification or of the omission to be supplied as in the interlocutor*]; and the said rectification having been duly made [*or* the said omission having been duly supplied] at my sight, the said Lords [*or* the said Lord M. *or* the said sheriff *as the case may be*] declared the said deed, [*or* instrument or writing *as the case may be*] to be probative, all conform to interlocutors dated [*specify dates of interlocutors allowing rectification, &c., and declaring deed, &c. to be probative*].

A.B., Principal
or Depute
or Assistant
} Clerk of Session.
or Sheriff Clerk.

SCHEDULE (H.)

MEMORANDUM RECORDING AN INHIBITION OF NEW.

Renew inhibition at the instance of *A.* [*here insert designation of inhibitor*] against *B.* [*here insert designation of party inhibited*], recorded in this register [*or as the case may be*], on the day of on behalf of the said *A.* [*or if the party in right of the inhibition be an heir, assignee, &c., say* [on behalf of *C.* [*insert designation and state shortly the title by which he has right to the inhibition*].

G.M.. W.S., [*or otherwise, as the case may be*] Edinburgh.
Agent,
or Party.

Land Rights and Deeds (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Land Rights and Deeds in Scotland.

(*Prepared and brought in by Mr. Gordon and Mr. Charles Dalrymple.*)

Ordered, by The House of Commons, *to be Printed*, 10 *July* 1871.

[Bill 233.]

Under 3 *oz.*

A

B I L L

INTITULED

An Act for the Federation and general Government of the Leeward Islands. A.D. 1871.

[Note.—*The Clauses printed in red ink are proposed to be inserted in Committee.*]

WHEREAS the several legislative bodies of Her Majesty's Leeward Islands have, by certain resolutions, signified their desire for the union of the said islands under one government in manner therein set forth, and have requested that the said resolutions may be embodied in an Act of the Imperial Parliament with all such provisions as may be necessary to give them full force and effect, and it is expedient that the said union should be established:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited, for all purposes, as "The Leeward Islands Act, 1871."

Colony of Leeward Islands.

2. So soon as this Act shall come into operation in the Leeward Islands, those islands shall form one colony, consisting of six presidencies, namely, the several islands of Antigua, Montserrat, Saint Christopher, Nevis, and Dominica, with their respective dependencies, and the Virgin Islands.

Definition of terms:

3. In this Act the following terms shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant thereto; (that is to say,)

Governor:

"Governor" shall mean the Governor or officer for the time being administering the general government of the Leeward Islands:

General Government: General Legislature:

"General Government" and "General Legislature" shall respectively mean the government and legislature of the Leeward Islands:

A.D. 1871.

Island Government: Island Council: Island Legislature: Proclamation.

"Island Government," "Island Council," and "Island Legislature" shall mean respectively the government, legislative body, or legislature of one of the above-named presidencies:

"Proclamation" shall mean a written or printed notice under the hand of the Governor, published by his order in each of the presidencies which it may directly concern.

Commencement of Act.

4. This Act shall come into operation in the Leeward Islands on a day to be declared by proclamation.

Executive Council.

5. There shall be an Executive Council of the Leeward Islands consisting of such persons or officers as the Queen may from time to time name or designate.

Appointment of officers.

6. The Queen may, from time to time, appoint such officers of the General Government as Her Majesty may think fit, with such salaries as may be assigned to them by the General Legislature.

General Legislative Council.

7. There shall be in the Leeward Islands a legislative body, to be styled "The General Legislative Council," composed of ten elective and ten non-elective members.

Provided that the proceedings of the Council shall not be invalid on account of any vacancies therein.

Elective members.

8. Of the elective members, four shall be taken from the Island Council of Antigua, three from that of Saint Christopher, two from that of Dominica, and one from that of Nevis. They shall respectively be chosen by the elective members of the island council from which they are taken, in such manner as the said island council may, from time to time, by any standing rule determine, and within such period as may, from time to time, be prescribed by proclamation.

Non-elective members.

9. The non-elective members shall be appointed by the Queen in such manner and under such conditions as Her Majesty may think fit, and shall be as follows:

President:

A President who at the time of his appointment shall be member of some island council:

Official members:

Three official members who shall at the time of their appointment be officers of the General Government, and shall ipso facto vacate their seats on ceasing to be so:

Unofficial members.

Six unofficial members of whom one shall be taken from each of the island councils, and who shall ipso facto vacate their seats on ceasing to be members of such councils.

A.D. 1871.

Legislative powers of the Council.

10. Subject to the provisions of the twenty-fifth and twenty-sixth sections of this Act, the Governor, with the consent of the General Legislative Council, herein-after referred to as "the Council," may make laws, for the Leeward Islands or any part thereof, on the following subjects:

1. The law of real and personal property, including wills, testaments, probate, and administration of estates of deceased persons:
2. The mercantile law:
3. The law relating to husband and wife, parent and child, marriage, divorce, and guardianship of infants:
4. The criminal law:
5. The constitution of courts of law, the criminal and civil administration of justice, including the jurisdiction, practice, and procedure of all courts of law, criminal and civil:
6. The establishment and regulation of a common convict station and a common prison discipline:
7. The establishment and regulation of a general police force, and of the other protective forces of the Leeward Islands:
8. The post office and the electric telegraph:
9. Quarantine:
10. Currency:
11. Weights and measures:
12. Audit of the public accounts in the several Presidencies:
13. Education:
14. Immigration and treatment of immigrants:
15. Idiots, lunatics, and idiot and lunatic asylums:
16. Copyrights and patents:
17. The constitution and procedure of the Council:
18. Such other subjects in respect of each Presidency as the Island Legislature thereof may declare to be within the competency of the General Legislature.

Legislative powers of Presidencies.

11. The Governor may, with the consent of the Legislative Body of any presidency, make laws for the peace, order, and good government thereof, but any island enactment relating to any of the subjects named in the preceding section may at any time be repealed or altered by the General Legislature, and shall, without any formal repeal, be void so far as it is repugnant to any law passed by the General Legislature.

Convocation, &c. of General Legislative Council.

12. The Council may from time to time be convoked, prorogued, and dissolved by any instrument under the hand and seal of the Governor.

When to be convoked.

13. The Council shall be so convoked within six months after this Act shall come into operation in the Leeward Islands, and afterwards once (at least) in every year.

A.D. 1871.

Place of meeting.

14. The place of meeting of the Council shall from time to time be fixed by proclamation.

Duration of Council.

15. The duration of the Council, unless sooner dissolved, shall be three years.

Oath to be taken by the members of the General Legislative Council.

16. Every member of the Council shall, before taking his seat, take and subscribe before the Governor, or some person authorised by him, the following oath of allegiance:

"I, A. B., do swear that I will be faithful and bear true allegiance "to Her Majesty Queen Victoria, her heirs and successors, "according to law."

"So help me GOD."

But any person authorised by law to affirm or declare instead of taking an oath may make such affirmation or declaration in lieu of the said oath.

Appointment of vice-president of General Legislative Council.

17. The Council shall appoint one of the members of the Council to be vice-president thereof.

Resignation of unofficial members.

18. Every member of the Council, except the official members, may resign his seat therein by writing under his hand addressed to the Governor.

Vacation of seats on acceptance of office.

19. Every elective member who shall accept any office under the Crown shall vacate his seat in the said Council, but shall be eligible for re-election.

Appointment of elective members in case of vacancy.

20. When any elective member vacates his seat in the Council otherwise than by the dissolution or other determination thereof, the elective members of the island council which he represented shall choose a successor within a period to be from time to time prescribed by any instrument under the hand and seal of the governor.

Quorum.

21. Until otherwise determined by the Council, the Council shall not be considered as constituted for the despatch of business unless at least eleven members be present and assisting thereat.

Majority of voices to decide.

22. Questions arising in the Council shall be decided by a majority of voices; the President shall, in all cases, have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

Initiation of money votes.

23. No vote or resolution shall be proposed in the Council, having for its object to charge any part of the revenues arising within the said Leeward Islands, except by one of the official members, or with the express approval or direction of the Governor.

Assent to Bills.

24. When a Bill passed by the Council is presented to the Governor for his assent, he shall declare according to his discretion either that he assents thereto, or that he refuses his assent to the

same, or that he reserves the same for the signification of Her Majesty's pleasure thereon.

Disallowance of Acts.

25. When the Governor assents to a Bill, he shall by the first convenient opportunity send an authentic copy of the law to one of Her Majesty's Principal Secretaries of State, and it shall be lawful for Her Majesty at any time within eighteen months after such copy shall have been received by the said Secretary of State to notify to the Governor Her disallowance of such law through one of Her Principal Secretaries of State, and every such law shall become null and void from and after the day on which the said Governor shall signify such disallowance by message to the Council, or from and after a day to be named by proclamation.

Signification of Her Majesty's pleasure upon reserved Bills.

26. A Bill reserved for the signification of Her Majesty's pleasure shall take effect so soon as Her Majesty shall have given Her assent to the same by Order in Council, and the Governor shall have signified such assent by message to the Council or proclamation, provided that no such message or proclamation shall be issued after two years from the day on which the Bill was presented to the Governor for his assent.

Standing rules and orders.

27. The Council shall at its first meeting, and may from time to time afterwards, as occasion may require, adopt standing rules and orders for the orderly conduct of business, which rules and orders shall take effect when confirmed by the Governor.

Clause A. Apportionment of expenses of common establishments.

The expenses of such establishments as are common to all the Leeward Islands, other than the remuneration and travelling expenses of the members of the Council, shall be fixed by the Council, and shall, until otherwise apportioned by the Council, be divided into sixteen parts, which shall be charged as follows:—

On Antigua	-	5 parts.
„ St. Christopher	-	4 „
„ Dominica	-	3 „
„ Nevis	-	2 „
„ Montserrat	-	1 „
„ Virgin Islands	-	1 „

Clause B. Annual estimates.

An estimate of such expenses shall be every year prepared by the General Government and laid before the Council, and when passed by the Council shall be published in the Leeward Islands; and after such publication the Governor may, from time to time as the occasion shall require, draw on the public Treasury of each Presidency for the whole or any part of the amount due from such Presidency

A.D. 1871.

Power to Council to alter provisions of Act.

28. The Council may, by any law or laws, alter from time to time any of the provisions of this Act: Provided that every such law shall be reserved by the said Governor for the signification of Her Majesty's pleasure.

Existing powers of Island Governors to vest in Governor of Leeward Islands.

29. The term Governor or officer administering the Government when used in any Island enactment heretofore passed, shall, after this Act shall come into operation, and until otherwise provided by the Island Legislature, be taken to mean the Governor of the Leeward Islands or any other person appointed in that behalf by writing under his hand and under the Public Seal of the Presidency.

Delegation of certain powers to the Governor.

30. The powers conferred on Her Majesty by the fifth, sixth, and ninth sections of this Act may be exercised by instructions or warrants under the Royal Sign Manual and Signet, or may be delegated to the Governor by letters patent under the great seal of the United Kingdom; and such instructions, warrants, or letters patent may be issued before this Act shall come into operation in the Leeward Islands.

Power to bring other islands under operation of Act.

31. It shall be lawful for Her Majesty, by Order in Council from time to time, on address from the Legislative Body of any of the West Indian islands not included in this Act and from the Council, to bring such island under the operation of this Act, on such terms and conditions in each case as are in the addresses expressed, and as Her Majesty thinks fit to approve, and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Imperial Parliament.

Leeward Islands. [H.L.]

A

B I L L

INTITULED

An Act for the Federation and general Government of the Leeward Islands.

(*Brought from the Lords* 15 *May* 1871.)

Ordered, by The House of Commons, *to be Printed*, 1 *June* 1871.

[Bill 170.]

Under 1 *oz.*

A

B I L L

TO

Amend section three of the Life Assurance Companies Act, 1870. A.D. 1871.

WHEREAS by section three of the Life Assurance Companies Act, 1870, a sum of money is required in certain cases to be deposited with the Accountant General of the Court of Chancery, to be invested and returned by him in manner therein directed, and it is expedient to make further provision in respect of the deposit, investment, and return of such sum: 33 & 34 Vict. c. 61.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Payment into Court and orders as to sums deposited under 33 & 34 Vict. c. 61. s. 13.

1. Every sum required by the Life Assurance Companies Act, 1871, to be deposited with the Accountant General of the Court of Chancery shall be paid into the Court of Chancery, and orders with respect to the payment of such money into and out of court, and the investment and return thereof, and the payment of the dividends and interest thereof, may be from time to time made, altered, and revoked by the like authority and in the like manner as orders with respect to the payment into and out of court, and the investment of other money, and the application of the dividends and interest thereof.

Construction and Short title.

2. This Act shall be construed as one with The Life Assurance Companies Act, 1870, and that Act and this Act may be cited together as The Life Assurance Companies Acts, 1870 and 1871, and this Act may be cited as The Life Assurance Companies Act, 1871.

Life Assurance Companies Act (1870) Amendment.

A

B I L L

To amend section three of the Life Assurance Companies Act, 1870.

(*Prepared and brought in by Mr. Chichester Fortescue and Mr. Arthur Peel.*)

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1871.

[Bill 183.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Limited Owners Residence Act, 1870." A.D. 1871.

WHEREAS doubts have arisen as to the meaning and construction of section three of "The Limited Owners Residences Act, 1870," and it is expedient to repeal the said section, and make other provisions instead thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Limited Owners Residences Act (1870) Amendment Act, 1871."

Repeal of sect. 3. of "The Limited Owners Residences Act, 1870."

2. From and after the passing of this Act, section three of "The Limited Owners Residences Act, 1870," shall be and the same is hereby repealed.

What to be deemed improvements within meaning of "Improvement of Land Act, 1864."

3. The erection of a mansion house and such other usual and necessary buildings, outhouses, and offices as are commonly appurtenant thereto and held and enjoyed therewith, and the completion of any mansion house and such appurtenances as aforesaid, and the improvement of and addition to any mansion house and such appurtenances as aforesaid already erected, and the improvement of and addition to any house which is capable of being converted into a mansion house suitable to the estate on which the same stands, so as such improvement and addition be of a permanent nature, provided that every such mansion house so erected or enlarged or converted is suitable to the estate on which it stands as a residence for the owner of such estate, shall be improvements within the meaning of the "Improvement of Land Act, 1864."

The term "estate" in this section shall include all lands situate in the same county or in adjoining counties comprised in any deed of settlement and thereby settled to the same uses.

Construction of Act.

4. "The Limited Owners Residences Act, 1870," as amended by this Act, and this Act shall be construed together as one Act.

[Bill 261.]

Limited Owners Residence Act (1870) Amendment.

A

B I L L

To amend "The Limited Owners Residence Act, 1870."

(*Prepared and brought in by Mr. Stapleton, Sir John Esmonde, and Mr. Stacpoole.*)

Ordered, by The House of Commons, *to be printed,* 20 *July* 1871.

[Bill 261.]

Under 1 *oz.*

A

B I L L

TO

Diminish the Expense and Delay of passing Local and Personal Acts relating to Ireland through Parliament. A.D. 1871.

WHEREAS it is expedient to diminish the expense and delay in passing Local and Personal Acts relating to Ireland through Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Local and Personal Bills Act (Ireland), 1871." Short title.

2. This Act shall apply to all cases where it is now necessary to pass an Act of Parliament, or to continue or amend an Act of Parliament relating to Ireland exclusively, for any of the purposes enumerated in this section: The making, establishing, erecting, improving, maintaining, repairing, altering, extending, enlarging, or regulating any aqueduct, archway, burial ground, bridge, canal, charity, church or chapel, cut, dock, drainage, embankment, fair, ferry, fishery, harbour, market or market place, navigation, pass for salmon or other fish, pier, port, railway, reservoir, road, sewer, street, tramway, tunnel, weir or waterworks in Ireland; the reclaiming of land in Ireland; the confirming, prolonging, or transferring the term of letters patent in Ireland; the paving, lighting, watching, cleansing, widening the streets of, or improving any city or town or district in Ireland; the incorporating or giving original or additional powers to any company or corporation, whether trading or otherwise, which shall have its principal office in Ireland, or carry on business principally in Ireland; or the imposing of any rate, toll, or tax, or the taking of any land for any of the purposes or objects stated in this section. Application of Act.

3. Any persons intending to make application for a Provisional Order, in pursuance of this Act, for any of the foregoing purposes, Petition to Lord Lieutenant for

A.D. 1871.

Provisional Order.

may present a petition to the Lord Lieutenant of Ireland, praying for a Provisional Order in pursuance of this Act, and such petition shall be supported by such evidence as the Lord Lieutenant may require. Said petition shall be filed in the office of Her Majesty's Court of Common Pleas at Dublin, herein styled "The Parliamentary Office, Ireland."

Promoters of petition.

4. Any corporation, public company, or grand jury in Ireland may be promoters of any petition under this Act.

Inquiry on receipt of petition.

5. On the receipt of any such petition, inquiry may be directed by the Lord Lieutenant, after giving *fourteen days* notice of the time, place, and subject of the inquiry.

Lord Lieutenant may issue Provisional Order.

6. It shall be lawful for the Lord Lieutenant of Ireland to issue a Provisional Order in relation to the several things mentioned in the petition, and either in accordance with the prayer thereof, or such modification as may be requisite, and such Provisional Order shall be published in "The Dublin Gazette," and *three* or more Irish newspapers.

In case of objections Lord Lieutenant shall order trial to take place before a judge.

7. In case any petition shall be presented to the Lord Lieutenant of Ireland, within *one month* after such publication, against any Provisional Order or any portion thereof, the Lord Lieutenant of Ireland shall direct the trial of the objections and of the whole matter in reference to said petition, to take place before a puisne judge of one of Her Majesty's Superior Courts of Common Law at Dublin.

Trial to take place before one of the judges on the parliamentary rota.

8. Such trial shall take place before one of the judges placed on the rota for the trial of election petitions during the year. Said judges shall be styled hereafter "The judges for the time being on the parliamentary rota."

Order for trial and proceedings to be sent to Court of Common Pleas.

9. The Lord Lieutenant shall direct the order for trial, the petition of objections, and proceedings thereon, to be sent to the Master of the Common Pleas in Ireland, to be filed in the office now known as the Election Petitions Office, and to be styled hereafter "The Parliamentary Office, Ireland."

Judges to try cases according to seniority.

10. The judges for the time being on the said rota shall, according to their seniority, try the cases standing for trial under this Act, unless they otherwise agree among themselves.

Standing Orders to apply to proceedings.

11. The Standing Orders of the House of Commons and of the House of Lords shall apply to all proceedings under this Act, and no petition shall be heard, nor shall any proceedings be taken thereupon, until the said Standing Orders of the House of Commons and of the House of Lords shall have been complied with: Pro-

vided always, that any objection to the hearing of a petition, or to any proceeding being taken thereon, on the ground of said Standing Orders not having been complied with, or otherwise, shall be heard before one of the said judges on the said parliamentary rota. On the hearing of said objection, the said judge may, if he think fit, direct notices to be served, and other proceedings to be taken, and may give liberty to the promoters of the petition to proceed therewith.

Provisions of Parliamentary Elections Act, 1868, to apply to this Act.

12. The provisions of the Parliamentary Elections Act, 1868, shall apply to this Act as regards the trial of cases, the proceedings, the witnesses, the jurisdiction and rules of court, the reception, expenses, and jurisdiction of the judge, as if same had been re-enacted in this Act.

Rules of Treasury to apply to this Act.

13. *The rules and regulations of the Lords Commissioners of Her Majesty's Treasury, made in reference to the expenses of the judges and the payment of their registers in Ireland under the Parliamentary Elections Act,* 1868, *shall apply to all proceedings under this Act.*

Judges may make general orders.

14. The judges for the time being on the said parliamentary rota may from time to time make and revoke and alter general rules and orders for the effectual execution of this Act, and the intention and objects thereof, and as to practice, procedure, and costs.

Judges may fix fees in the nature of stamp duties.

15. The said judges on the parliamentary rota may, with the sanction of Her Majesty's Commissioners of the Treasury, appoint and fix fees, to be paid in the nature of stamp duties, on the several documents to be filed under this Act by promoters of any bill, or by any other parties.

Venue.

16. The said judges on the parliamentary rota may direct the trial to take place in Dublin, or elsewhere in Ireland.

Costs.

17. Any order made by any of the said judges on the parliamentary rota as to costs may be made a rule of the Court of Common Pleas at Dublin, and enforced accordingly.

Taxation of costs.

18. The Master of the Court of Common Pleas in Ireland shall tax all costs according to the present scale of taxation of the costs of parliamentary agents in London. An appeal shall lie to the judges on the parliamentary rota from any ruling of the Master as to costs. The costs of the promoters shall be provided for in each Provisional Order. No other costs shall be taxed, except by order of one of the said judges.

Incorporation of Acts of Parliament.

19. It shall be lawful, on the settlement of the Provisional Order, to incorporate therewith any Act of Parliament or any portion of any Act of Parliament.

A.D. 1871.

Lord Lieutenant may appoint officers, &c.

20. It shall be lawful for the Lord Lieutenant of Ireland to appoint and remove, from time to time, all officers, clerks, and servants, necessary to carry out the provisions of this Act. The Commissioners of Her Majesty's Treasury shall fix the salaries and allowances of such officers, clerks, and servants.

Stay of proceedings.

21. After the commencement of this Act, it shall not be lawful for any person to proceed otherwise than under the provisions of this Act, in any case in which jurisdiction is given to the Lord Lieutenant or the judges on the rota under this Act, except in cases where, at the time of the passing of this Act, a Bill has been read a second time in Parliament, and referred to a Select Committee.

Powers of judge.

22. On the trial before a judge under this Act, the judge shall have and exercise the powers of a superior court of common law, and shall exercise the same powers and jurisdiction which a Select Committee of the House of Lords or the House of Commons exercises when a Bill has been read a second time and stands committed.

Final order.

23. After hearing the parties, the judge shall make a final Provisional Order.

Short-hand writer.

24. The judge at the trial may appoint a short-hand writer to take the evidence. Such short-hand writer shall take the following oath:

'I *A.B.* make oath and say, I will truly take down the evidence 'in this matter, and give true copies thereof to the parties 'entitled thereto.'

Such short-hand writer shall be paid such fees as the said judges on the rota may appoint.

Minutes of evidence.

25. The judge may order the minutes of any evidence taken before him to be printed at the expense of the parties, or any of them, and to be annexed to the final Provisional Order.

Order in unopposed cases.

26. In unopposed cases, the final Provisional Order may be made by the Lord Lieutenant on the report of any officer appointed by him for that purpose.

Filing of orders.

27. All final Provisional Orders shall be filed in said office in the Court of Common Pleas in Ireland.

Confirmation of orders by Act of Parliament.

28. Whenever any such final Provisional Order shall have been made, whether in opposed or unopposed cases, the Chief Secretary to the Lord Lieutenant of Ireland shall, as soon as conveniently may be, take all necessary steps for the confirmation of such Orders by Act of Parliament; but previously to such confirmation by Act

of Parliament, such Orders shall not be of any validity whatever, and every Act of Parliament confirming such Order shall be deemed a general public Act, and all such Orders, when confirmed by Act of Parliament, shall have the same effect as if expressly enacted by Parliament.

A.D. 1871.

Local and Personal Acts (Ireland).

A

B I L L

To diminish the Expense and Delay of passing Local and Personal Acts relating to Ireland through Parliament.

(Prepared and brought in by Mr. Heron, Mr. Pim, and Mr. Bagwell.)

Ordered, by The House of Commons, *to be Printed,* 14 *February* 1871.

[Bill 26.]

Under 1 *oz.*

A

B I L L

FOR

Constituting a Local Government Board, and vesting therein certain functions of the Secretary of State and Privy Council concerning the Public Health and Local Government, together with the powers and duties of the Poor Law Board. A.D. 1871.

WHEREAS it is expedient to concentrate in one department of the Government as herein-after provided the supervision of the laws relating to the public health, the relief of the poor, and local government:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Local Government Board Act, 1871." Short title of Act.

Establishment of Local Government Board.

2. A board shall be established, to be called the Local Government Board, and from and after the establishment of such Board the Poor Law Board shall cease to exist, and all powers and duties vested in or imposed on the Poor Law Board by the several Acts of Parliament relating to the relief of the poor and any other Acts, or vested in or imposed on one of Her Majesty's Principal Secretaries of State by the enactments in that behalf mentioned in the first part of the schedule annexed hereto, so far as such powers and duties relate to England, or vested in or imposed on Her Majesty's most honourable Privy Council by the enactments in that behalf specified in the second part of the said schedule, shall be transferred to and imposed on the said Local Government Board, and, except as otherwise provided by this Act, shall be exercised and Establishment of Local Government Board.

A.D. 1871.

performed by such Board in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

Constitution of Local Government Board.

3. The Local Government Board shall consist of a president to be appointed by Her Majesty, and to hold office during the pleasure of Her Majesty, and of the following ex-officio members, that is to say, the Lord President of Her Majesty's Most Honourable Privy Council, all Her Majesty's Principal Secretaries of State for the time being, the Lord Privy Seal, and the Chancellor of the Exchequer.

The Local Government Board shall be deemed to be established from and after the date of the first appointment of a president under this Act.

The Local Government Board may appoint in writing such secretaries, assistant secretaries, inspectors, auditors, clerks, messengers, and other officers as the board may, with the sanction of the Treasury, determine.

No payment shall be made in respect of their duties under this Act to the ex-officio members of the Local Government Board, *but there shall be paid out of moneys provided by Parliament to the president, secretaries, and other officers of the board such salaries as the Treasury may from time to time determine.*

President and one of the secretaries may sit in Parliament.

4. The president and one of the secretaries of the Local Government Board shall at the same time be capable of being elected to and of voting in the Commons House of Parliament, and the office of president shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867; in Schedule H. of the Representation of the People (Scotland) Act, 1868; and in Schedule E. of the Representation of the People (Ireland) Act, 1868.

Seal, style, and acts of Board.

5. The Local Government Board may adopt an official seal, and describe themselves generally by the style and title of "The Local Government Board," without expressing their names, and, save as herein-after provided, any act to be done or instrument to be executed by or on behalf of the Local Government Board may be done or executed in the name of that Board by the president or by any member of the Local Government Board, or by a secretary, or by any other officer, if such officer is authorised to do or execute the same by any general order of the Local Government Board.

A rule, order, or regulation made by the Local Government Board shall be valid if it is made under the seal of the Board, and signed by the president or one of the ex-officio members of the Board, and countersigned by a secretary or assistant secretary; and the production of such primâ facie evidence of any of the said rules, orders, or regulations as is required by the Documentary Evidence Act, 1868, with respect to the rules, orders, or regulations of the Poor Law Board, shall, until the contrary is shown, be a sufficient proof that any such rule, order, or regulation of the Local Government Board was duly made. A.D. 1871.

Temporary Provisions.

6. All officers, clerks, and other persons employed in or about the execution of the powers and duties by this Act transferred to the Local Government Board shall, from and after the establishment of the Local Government Board, be attached to and under the control of the Local Government Board. Transfer of officers.

The officers, clerks, and persons so attached shall in other respects hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties as if this Act had not passed.

The Local Government Board may, by order, distribute the business to be performed under the Local Government Board amongst the several officers and persons transferred to the Board by this Act in such manner as the Local Government Board may think expedient.

7. In the construction of and for the purposes of any Act of Parliament, contract, or other document passed, entered into, or made before the establishment of the Local Government Board, but so far only as may be necessary for exercising the powers and discharging the duties by this Act transferred to and imposed on the Local Government Board, the name of such Board shall, according to circumstances, be deemed to be substituted for the Poor Law Board, one of Her Majesty's Principal Secretaries of State, or Her Majesty's Most Honourable Privy Council, as the case may require; and any act or thing which might, if this Act had not passed, have been done by the Poor Law Board, or by one of Her Majesty's Principal Secretaries of State, or by Her Majesty's Most Honourable Privy Council, so far as relates to the powers and duties hereby transferred may be done by the Local Government Board. Construction of Acts and documents, and power of Local Government Board.

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SCHEDULE referred to in the foregoing Act.

Part I.

Powers and Duties of Secretary of State.

Subject.	Act.
Registration of Births, Deaths, and Marriages	6 & 7 W. 4. c. 86. 7 W. 4. & 1 Vict. c. 22.
Public Health - - - -	11 & 12 Vict. c. 63.
Local Government - - -	21 & 22 Vict. c. 98. 24 & 25 Vict. c. 61. 26 & 27 Vict. c. 17.
Drainage. Sanitary Matters -	28 & 29 Vict. c. 75. 29 & 30 Vict. c. 90. 30 & 31 Vict. c. 113. 31 & 32 Vict. c. 115. 32 & 33 Vict. c. 100.
Baths and Wash-houses - -	9 & 10 Vict. c. 74. 10 & 11 Vict. c. 61.
Public Improvements - - -	23 & 24 Vict. c. 30.
Towns Improvement - - -	10 & 11 Vict. c. 34.
Artizans and Labourers' Dwellings - -	31 & 32 Vict. c. 130.
Returns. Local Taxation - -	23 & 24 Vict. c. 51.
	And any Acts amending the said Acts, and conferring powers on the said Secretary of State.

Part II.

Powers and Duties of Privy Council.

Subject.	Act.
Prevention of Disease - - -	11 & 12 Vict. c. 63. 18 & 19 Vict. c. 116. Sections one, three, five, and six of 21 & 22 Vict. c. 97. 22 & 23 Vict. c. 3. 23 & 24 Vict. c. 77. 29 & 30 Vict. c. 90. 31 & 32 Vict. c. 115.
Vaccination - - - -	30 & 31 Vict. c. 84.
	And any Acts amending the said Acts, and conferring powers on the said Privy Council.

Local Government Board.

A

B I L L

For constituting a Local Government Board, and vesting therein certain functions of the Secretary of State and Privy Council concerning the Public Health and Local Government, together with the powers and duties of the Poor Law Board.

(*Prepared and brought in by Mr. Stansfeld, Mr. Secretary Bruce, and Mr. William Edward Forster.*)

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1871.

[Bill 230.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to the Local Government of Towns and populous Places in Ireland. A.D. 1871.

WHEREAS it is expedient to amend the laws relating to the local government of towns and populous places in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as The Local Government (Ireland) Act, 1871. Short title.

2. This Act shall commence and take effect on the first day of September one thousand eight hundred and seventy-one. Commencement of Act.

3. In the construction of this Act— Interpretation.

The term "Lord Lieutenant" shall mean the Lord Lieutenant of Ireland for the time being, and shall include the Lords Justices or other Chief Governors or Governor of Ireland for the time being; "Lord Lieutenant."

The term "Chief Secretary" shall mean the Chief Secretary to the Lord Lieutenant; "Chief Secretary."

The term "governing body," in the several places mentioned in the first column of the schedule annexed to this Act, shall mean the persons or bodies of persons in that behalf described in the second column of the said schedule; "Governing body."

The term "town," in relation to any governing body, shall mean the area within which such governing body has jurisdiction; "Town."

The term "special Act" in relation to any governing body shall mean and include any and every Act of Parliament under the provisions of which such governing body is constituted or in the execution of which such governing body is acting; "Special Act."

The term "principal Act" shall mean "The Towns Improvement (Ireland) Act, 1854;" "Principal Act."

The term "Lands Clauses Acts" shall mean and include "The Lands Clauses Consolidation Act, 1845," as the same is "Lands Clauses Act."

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amended by "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act;"

"Court." The term "court" shall mean the Court of Common Pleas at Dublin;

"Rules of court." The term "rules of court" shall mean rules to be made by the court under the authority of Part I. of this Act; and

"Prescribed" The term "prescribed" shall mean "prescribed by the rules of court."

PART I.

General Provisions.

Provisional Orders.—Purchase of Land.

Power to purchase lands.

4. The governing body of any town may for any of the purposes of the special Act purchase, take upon lease, sell, or exchange any lands, subject to the following regulations:—

Regulations relating to such purchase.

(1.) The Lands Clauses Act shall be incorporated with this Act, except the provisions relating to access to the special Act; and in the construction of the Lands Clauses Acts, for the purposes of any provisional order under this Act, conferring powers for the taking of land, the term "special Act" shall mean the Act confirming such order; the expression "the date of the passing of the special Act," shall mean the date of the passing of the Act confirming such order; and the expression "the promoters of the undertaking," shall mean the governing body of the town to which such provisional order relates:

(2.) The governing body, before putting in force any of the powers of the Lands Clauses Act with respect to the purchase and taking of land otherwise than by agreement, shall

Publication of notices.

Publish, once at the least in each of three consecutive weeks in the month of *November* in some newspaper circulated in the town an advertisement describing shortly the purposes in respect of which the lands are proposed to be taken, naming a place in the town where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required; and shall further

Service of notices.

Serve a notice in the month of *December*, in manner herein-after mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of such

lands, defining in each case the particular land intended to be taken, and requiring an answer, stating whether the person so served assents, dissents, or is neuter in respect of the taking such lands; such notice is to be served by

Delivery of the same personally on the party required to be served, or, if such party is absent abroad, to his agent; or by

Leaving the same at the usual or last known place of abode of such party as aforesaid; or by

Forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such party:

Power to governing body to petition Chief Secretary upon matters hereinstated.

(3.) Upon compliance with the preceding provisions of this section with respect to advertisements and notices, the governing body may, if they think fit, present a petition under their seal to the Chief Secretary: The petition shall state the lands intended to be taken, the purposes for which the same are required, and the names of the owners, lessees, and occupiers of such lands who have assented, dissented, or are neuter in respect of the taking such lands, or who have returned no answer to the notice: It shall pray that the governing body may, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Chief Secretary requires:

Chief Secretary may direct inquiry;

(4.) Upon the receipt of such petition, and upon due proof of the proper advertisements having been published and notices served, the Chief Secretary shall take such petition into consideration, and may either dismiss the same or direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made in the district, after such notice as may be directed by the Chief Secretary, no provisional order shall be made affecting any lands, without the consent of the owners, lessees, and occupiers thereof:

and may make provisional order.

(5.) After the completion of the inquiry as last aforesaid the Chief Secretary may, by provisional order, empower the governing body to put in force with reference to the land referred to in such order the powers of the Lands Clauses Acts with respect to the purchase and taking of land

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otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the governing body to serve a copy of any order so made in the manner and upon the person in which and upon whom notices in respect of such land are herein-before required to be served:

No provisional order valid until confirmed by Parliament.

(6.) No provisional order so made shall be of any validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Chief Secretary as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament:

Conveyance to governing bodies of non-corporate towns.

(7.) All lands and premises which shall be purchased, hired, or taken on lease by the governing body of any non-corporate town shall be conveyed, demised, and assured to such governing body and their successors in trust for the purposes of the special Act and shall be accepted, taken, and held by them as a body corporate.

Cases in which Provisional Orders may be obtained for purposes other than putting in force Lands Clauses Acts.

5. Whenever it appears desirable to the governing body of any town, or to the majority of the owners or ratepayers in any district adjoining or forming part of any town,

Incorporation with or separation from town.

That any district adjoining or forming part of such town should be incorporated with or separated from such town; or

Transfer of powers of grand jury.

Whenever it appears desirable to the governing body of any town that provision should be made

To transfer from the grand jury or grand juries of the county or counties within which such town is situate to such governing body the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within such town, vested in such grand jury or grand juries under any Act or Acts; and

To prevent such grand jury or grand juries, after such transfer, from making any presentment with regard to any road, bridge, footpath, or other public work within such town; and

To provide for the due payment of the balance of the grand jury cess to which such town will then, in future, be liable; and

To authorize the making and levying of further rates in addition to and in excess of the maximum amount of rates authorized to be made and levied by the governing body of such town to enable them to defray the expenses consequent upon and incident to such transfer from the grand jury when the maximum

amount of rates authorized is insufficient to defray such expenses as aforesaid; or A.D. 1871.

To provide for the future execution of any local and personal Act in force within such town, having relation to the purposes of the special Act, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals, for their own pecuniary benefit; or that any such local and personal Act, or any exemptions from rating derived therefrom, or any Act confirming any provisional order under this Act, should be wholly or partially repealed or altered,— Execution or repeal of local Acts.

(1.) They may present a petition to the Chief Secretary praying for such incorporation, separation, provisions, repeal, and alteration as aforesaid, or for any of such things, and such petition shall be supported by such evidence as the Chief Secretary requires: Petition to Chief Secretary.

(2.) Upon the receipt of any such petition inquiry may be directed by the Chief Secretary in the town or district, or otherwise as he may think fit, as to the genuineness of the petition and in respect of the several matters mentioned therein, after giving fourteen days notice of the time, place, and subject of the inquiry: Power of Chief Secretary, on receipt of petition,

(3.) It shall be lawful for the Chief Secretary to issue a provisional order in relation to the several matters mentioned in the petition, and either in accordance with the prayer thereof, or with such modifications as may be requisite; and when the order provides for the incorporation of any district with a town, or the separation of any district from a town, or for the transfer of the powers of any grand jury or grand juries to the governing body of any town, or for any increase of rates, a person appointed for that purpose by the Chief Secretary shall proceed to the town for the purpose of obtaining the consent to such order of the district which it is proposed should be incorporated, or of the district to be separated, and of the town with which such incorporation, or from which such separation is proposed, and, in case of such transfer from the grand jury or grand juries, the consent of the town: to issue order, and obtain consent of district and town.

(4.) The consent of such district or town shall be testified by a resolution passed by a majority of the ratepayers resident in any such district or town, assembled at a meeting convened for the purpose; and the person appointed Consents, how testified.

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as aforesaid shall, for the purpose of obtaining such consents, have power to convene meetings of the ratepayers of any district or town, giving fourteen days notice of the time, place, and subject of such meetings, and to do all such matters and things as may be expedient for that purpose :

Provision as to meetings of ratepayers.

(5.) In the case of a meeting of the ratepayers of any district or town, the ratepayers present shall elect a chairman; and a declaration by the chairman that the opinion of the meeting is in favour or against any resolution, as the case may be, shall, in the absence of proof to the contrary, be sufficient evidence that the resolution is passed: The inspector shall have power to attend any such meeting :

(6.) In the case of the transfer of such powers as aforesaid from any grand jury or grand juries such grand jury or grand juries shall be proved to consent thereto, and the consent of a grand jury shall be testified by a presentment to that effect :

Secretary of State to obtain confirmation of order.

(7.) Whenever such consents as aforesaid have been obtained and proved in the cases in which they are herein-before required, the Chief Secretary shall as soon as conveniently may be, take all necessary steps for the confirmation of such order by Act of Parliament; but previously to such confirmation it shall not be of any validity whatever, and every Act of Parliament confirming such order shall be deemed a public general Act:

Extension of borrowing powers in certain cases.

6. Where the governing body of any town, exercising the borrowing powers of the special Act, has contributed to, purchased, or executed works of sewerage and water supply, or proposes to contribute to, purchase, or execute such works, it shall be lawful for the governing body of such town Board to present a petition to the Chief Secretary praying for powers to borrow or re-borrow for such works on mortgage of the rates leviable by them under the special Act, an amount not exceeding two years assessable value of the premises assessable within the town in respect of which such money may be borrowed or re-borrowed, such amount to be repaid within such period not exceeding fifty years as such governing body, with the sanction of the Chief Secretary, shall in each case determine; and it shall be lawful for the Chief Secretary to direct inquiry on such petition,

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and to issue a provisional order thereupon, and to take steps for the confirmation of any such provisional order by Act of Parliament in the manner sanctioned in the preceding section.

Powers for inquiry directed by Chief Secretary.

7. Any person directed by the Chief Secretary to inquire into any matter into which such Secretary is empowered to direct inquiry under this Act may, for the purposes of such inquiry, summon before him any person whomsoever, and examine them upon oath or otherwise touching any matter relating to the purposes of such inquiry, and he may by any such summons require any officer of or acting under any corporation, guardians, or directors of the poor, and any commissioner, trustee, officer, or person acting under any local Act of Parliament in force within the district or place to which any such inquiry may relate, to produce before him any surveys, plans, sections, rate books, or other like documents which may by reason of their office be in their custody or control touching any matter relating to the purposes of such inquiry, and may examine, inspect, or take copies of any such books, surveys, plans, sections and documents, or any of them, or part thereof; and whosoever wilfully disobeys any such summons, or prevents any such person directed as aforesaid from examining, inspecting, or taking copies as last aforesaid, or refuses to answer any question put to him by such person for the purposes of the said inquiry, shall be liable to a penalty not exceeding five pounds: Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him; and no person shall be required in any case, in obedience to any such summons, to travel more than ten miles from his place of abode.

In case of petition, bill confirming Provisional Order may be referred to select committee.

8. In case any petition shall be presented to either House of Parliament against any provisional order under the authority of this Act, in the progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the order so petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

Costs, how to be defrayed.

9. All costs, charges, and expenses incurred by the Chief Secretary in relation to any provisional order under this Act shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge upon the rates levied in the town to which such order relates, and shall be repaid to the said Commissioners as they shall direct, either in one sum, or by annual instalments, not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from

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the date of any such order, upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

Markets.

Power of governing body to establish markets.

10. The governing body of any town shall, with the consent of two thirds of the members of such governing body, have the power to do the following things or any of them within their town:

(1.) To provide a market-place, and construct a market-house and other conveniences, for the purpose of holding markets:

To provide houses and places for weighing carts:

To make convenient approaches to such market:

To provide all such matters and things as may be necessary for the convenient use of such market:

To purchase or take on lease land, and public or private rights in markets, and tolls, for any of the foregoing purposes:

To take stallages, rents, and tolls in respect of the use by any person of such market-place:

But no market or slaughter-house shall be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the town by any person, chartered joint-stock or incorporated company, without his or their consent:

Provisions of 10 & 11 Vict. c. 14., as to markets, &c. incorporated.

(2.) For the purpose of enabling any governing body to establish markets in the manner aforesaid, or to regulate markets already established in any town, there shall be incorporated with this Act the provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to markets:

With respect to the holding of the market or fair, and the protection thereof; and

With respect to the weighing goods and carts; and

With respect to the stallages, rents, and tolls; and

With respect to byelaws:

Subject to this proviso, that all tolls leviable by the governing body in pursuance of this section shall be approved by the Chief Secretary.

Provided always, that in case there shall be in force within any town the provisions of any Act or Acts for effecting objects the same as or similar to those of this section, but in different modes, the governing body of such town may proceed under the said Act or Acts, or under this Act, according as it shall seem best to such governing body.

Audit of Accounts.

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Audit of accounts.

11. The accounts of the receipts and expenditure of the governing body of every town in Ireland, shall be audited and examined once in every year by the auditor of accounts relating to the relief of the poor for the union in which such town or the greater part thereof is situate, unless such auditor be a contractor for any articles or things supplied to, or be a member of the governing body of, such town, or unless such auditor is unable to undertake the duties incident to such audit, in any of which cases such accounts shall be audited by such auditor of accounts relating to the relief of the poor for any other union, or by such other person as may, from time to time, be appointed by the Chief Secretary for that purpose.

Duties of auditor; and appeal against decision of auditor.

12. Every auditor acting in pursuance of this Act shall examine into the matter of every account which is to be audited by him, and shall disallow and strike out of every such account all payments, charges, and allowances made by any person and charged upon the funds of any town contrary to law, or which he deems to be unfounded, and shall surcharge the same upon the person making or authorising the making of the illegal payment, and shall certify the same to be due from such person, and upon application by any party aggrieved shall state in writing at the foot of such account the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made; and it shall be lawful for every person aggrieved by any such allowance and for every person aggrieved by such disallowance or surcharge, if such last-mentioned person have first paid or delivered over to any person authorised to receive the same, all such money, goods, and chattels as are admitted by his account to be due from him or remaining in his hands, to apply to the Court of Queen's Bench for a writ of certiorari to remove into the said court the said allowance, disallowance, or surcharge, in the like manner and subject to the like conditions as are provided in respect of persons suing forth writs of certiorari for the removal of orders of justices of the peace, except that the condition of the recognizance shall be, to prosecute such certiorari, at the costs and charges of such person, without any wilful or affected delay, and if such allowance, disallowance, or surcharge be confirmed, to pay to such auditor or his successor, within one month after the same may be confirmed, his full costs and charges, to be taxed according to the course of the said court, and except that the notice of the intended application, which shall contain a statement of the matter complained of, shall be given to such auditor or his successor, who shall in return to such writ return a copy under his hand of the entry or entries in

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such book of account to which such notice shall refer, and shall appear before the said court, and defend the allowance, disallowance, or surcharge so impeached in the said court, and shall be reimbursed all such costs and charges as he may incur in such defence out of the rates which the governing body of the town interested in the decision of the question have power to make, unless the said court make any order to the contrary; and that, on the removal of such allowance, disallowance, or surcharge, the said court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such court that the decision of the said auditor was erroneous, they shall, by rule of the court, order such sum of money as may have been improperly allowed, disallowed, or surcharged to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by order of the court, direct the costs of the person prosecuting such certiorari to be paid out of rates which the governing body have power to make, as to such court may seem fit; which orders of court respectively shall be enforced in like manner as other orders of the said court are enforceable.

Provided always, that it shall be lawful for any person aggrieved as aforesaid by any allowance, disallowance, or surcharge, in lieu of making application to the Court of Queen's Bench for a writ of certiorari, to apply to the Chief Secretary to inquire into and to decide upon the lawfulness of the reasons stated by the auditor for such allowance, disallowance, or surcharge, and it shall thereupon be lawful for the Chief Secretary to issue such order therein, under his hand, as he may deem requisite for determining the question.

As to recovery of disallowances.

13. Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the treasurer of the governing body within fourteen days after the same shall have been so certified, unless there be an appeal against the decision; and if such sum is not so paid, and there is no such appeal, the auditor shall recover the same from the person against whom the same has been certified to be due, by the like process and with the like powers as in the case of sums certified upon the audit of the poor rate accounts, and shall be paid by the governing body all such costs and expenses, including a reasonable compensation for his loss of time incurred by him in such proceedings, as are not recovered by him from such person.

Power of auditor to summon witnesses, &c.

14. For the purpose of any audit of accounts under this Act, every auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, and

all other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before him at any such audit or any adjournment thereof, and if thereunto required by such auditor to verify on oath or affirmation (which oath or affirmation every such auditor is hereby authorized to administer or take) the truth of all such accounts and statements from time to time respectively, or subscribe a declaration as to the correctness of the same.

Penalties for giving false evidence, or refusing to give evidence.

15. If any person upon any examination under the authority of this Act shall wilfully give false evidence, or wilfully make or subscribe a false declaration, he shall on being convicted thereof suffer the pains and penalties of perjury; and if any person shall refuse or wilfully neglect to attend in obedience to any summons of any auditor, or to give evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or copies of the same, which may be required to be produced for the purposes of this Act, to any auditor authorized by this Act to require the production thereof, every person so offending shall be deemed guilty of a misdemeanor.

Remuneration of auditor.

16. Every auditor shall in respect of each audit under this Act be paid, out of the funds of the town in respect of which such audit shall have been held, such reasonable remuneration, not being less than *two guineas* for every day in which he is employed in such audit, as the governing body of such town may from time to time appoint, together with his expenses of travelling to and from the place of audit.

Notice of audit, &c.

17. Before each audit of the accounts of any town under this Act,—

(1.) The governing body of such town shall, after receiving from the auditor the requisite appointment, give *twenty days* notice of the time and place at which such audit will be made, by advertisement in some one or more of the public newspapers circulated in such town; and

(2.) The governing body of such town shall cause a copy of the accounts which are to be audited, together with all books, deeds, contracts, accounts, bills, vouchers, and receipts mentioned or referred to in such accounts, to be deposited in the office of the town clerk, or other proper officer, of every such town, and the same shall be open, during office hours thereat, to the inspection of all persons interested

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for seven days before the audit; and all such persons shall be at liberty to take copies of or extracts from the same without fee or reward, and the production of the newspaper containing such notice shall be deemed to be sufficient proof of the notice of audit on any proceeding whatever.

Publication of accounts.

18. Within *fourteen days* after the completion of the audit of the accounts of any town the auditor shall report upon the accounts audited and examined, and shall deliver or transmit such report, with an abstract of the accounts, to the Chief Secretary, and a copy of the same to the governing body of such town, and the said governing body shall cause the same to be deposited in the office of the town clerk, or other proper officer, of such town, and shall publish an abstract of such accounts in some one or more of the newspapers circulated in the district in which such town is situate.

Arbitration.

Disputes may be settled by arbitration.

19. Where any dispute arises between any person whatsoever and the governing body of any town in relation to the execution of the special Act, or to any act, matter, or thing incident to or consequent upon the execution of the same, and where the method of determining any such question in dispute is not expressly provided for, such question may, if the parties so desire, be settled by arbitration in manner prescribed by the Railway Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

Controverted Elections.

Persons qualified to vote may petition against election.

20. Where any person who voted or who was qualified to vote at any election of members of the governing body of any town thinks that there was, in respect of the election of any member of such governing body, any undue or unlawful proceeding, or that such member was not at the time of such election duly qualified to act as such, it shall be lawful for such person, within one month after such election, to present a petition to the court complaining of such undue or unlawful proceeding, or that such member was not duly qualified as aforesaid.

Every such petition shall be in the prescribed form and shall be delivered to the prescribed officer of the court.

Every person so petitioning shall within three days after lodging such petition deliver a copy of such petition to the clerk of the governing body, and to any member of such governing body in respect of whose election such petition has been presented.

At the time of the delivery of the petition to the prescribed officer, or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the petitioner—

(*a.*) To any person summoned as a witness on his behalf, or

(*b.*) To the member whose election or return is complained of,

shall be given on behalf of the person presenting the petition.

The security shall be to an amount of pounds; it shall be given either by recognizance to be entered into by any number of sureties not exceeding four, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.

As soon as conveniently may be after the presenting of such petition and the giving of such security, but not sooner than ten days thereafter, the court or one of the judges thereof shall proceed to inquire into and decide upon the matters and allegations contained in such petition, and shall have power to take evidence upon oath, and to compel the attendance of witnesses, and shall have all and the same powers, jurisdiction, and authority as in other cases coming within the jurisdiction of the court, and shall either confirm the election, or order a new election, or make such order and give such relief in the premises as to them or him may seem right, and such decision and orders shall in all respects be final and conclusive upon all parties.

Where the court or judge has declared that the election of any member of the governing body of any town was void such member shall cease to act as such, and there shall be a vacancy in such governing body, which vacancy shall be filled by the election of a new member by the persons qualified to vote at such election, according to the provisions of the special Act in respect of the election of members.

Rules to be made by court.

21. The court may from time to time make, and may from time to time revoke and alter, general rules and orders for the regulation of the practice, procedure, and costs of petitions under the authority of this part of this Act, and the trial thereof.

Any general rules and orders made as aforesaid shall be deemed to be within the powers conferred by this part of this Act, and shall be of the same force as if they were enacted in the body of this part of this Act.

Any general rules and orders made in pursuance of this section shall be laid before Parliament within three weeks after they are

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made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Amendment and Application of certain Acts relating to Public Health.

Repeal of section 68 of 29 & 30 Vict. c. 90. Recovery of penalties under 29 & 30 Vict. c. 90.

22. The sixty-eighth section of the Sanitary Act, 1866, shall be and the same is hereby repealed, and in lieu thereof be it enacted, that in Ireland penalties under the said Act and expenses or compensation thereby directed to be recovered in a summary manner, and nuisances and other offences liable to be prosecuted summarily, shall be recovered and prosecuted with respect to the police district of Dublin metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of The Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and all penalties recovered by any authority under the said Act shall be paid to them respectively, and by them applied in aid of their expenses under the said Act.

Any order authorised to be made by justices under the said Act shall be deemed to be an order made upon a complaint on which justices are authorised to make orders under the said Acts.

Application to Ireland of the Sanitary Act, 1868, and the Sanitary Loans Act, 1869.

23. The provisions of the Sanitary Act, 1868, and the Sanitary Loans Act, 1869, shall, notwithstanding anything in the said Acts to the contrary, apply to Ireland with the modifications following; that is to say, the term "sewer authority" in the said Acts shall have the same meaning that it has in the Sanitary Act, 1866; the term "local rate" in the said Acts shall have the same meaning as it has in the eighth section of the Sanitary Act, 1868: Provided always, that in any town where the sewer authority have not the power to make any such local rate, the said term shall include a rate which such sewer authority is hereby authorised to assess and levy, and which rate shall be assessed upon and levied from the persons and in the manner and with the like remedies in case of default in payment as if the same were a general yearly assessment made by commissioners acting in the execution of the principal Act under the authority of section sixty of the said Act.

Penalties under any provisions incorporated with the Sanitary Act, 1868, shall be recovered and applied in like manner as penalties under the Sanitary Act, 1866. A.D. 1871.

All powers relating to the execution of the said Acts in England, and by the same vested in one of Her Majesty's Principal Secretaries of State, shall, with regard to the execution of the said Acts in Ireland, be vested in the Lord Lieutenant.

PART II.

Additional and Special Provisions,

Relating to the Local Government of Towns under the Principal Act or under special Acts incorporating said Act, in whole or in part.

Construction of Act.

24. The principal Act, so far as not inconsistent with this part of this Act, and this Act shall be construed together as one Act.

On adoption of principal Act in boroughs under municipal corporations property of municipal corporation to vest in commissioners.

25. When in any borough in which under the provisions of an Act passed in the session of Parliament held in the third and fourth years of the reign of her present Majesty, intituled "An Act for the Regulation of Municipal Corporations in Ireland," there are municipal commissioners acting in the execution of the said Act, and commissioners are elected under the provisions of the principal Act, then all the real and personal estate of such municipal commissioners, and any accumulation thereof, shall, forthwith, without any conveyance thereof, vest in the commissioners elected under the provisions of the principal Act, and when such estate and accumulation have so vested in such commissioners the same shall be applied by such commissioners in aid of the rates to be levied by them under the principal Act, and the surplus thereof, if any, shall be applied by them for the public benefit of the inhabitants, and improvement of the borough.

Amendment of sect. 22. of principal Act.

26. So much of section twenty-two of the principal Act as enacts that the payment of poor rates and grand jury rates by any person shall be necessary for the purpose of qualifying such person to vote at the election of commissioners shall be and the same is hereby repealed.

Clerk to the commissioners to

27. The clerk to the commissioners, at least fifteen days before the day appointed for the annual election of commissioners in each

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make out alphabetical list of persons entitled to vote.

year, shall make out an alphabetical list of the names of all persons, with their respective residences, entitled to vote at such election in respect of premises within the town as they appear in the rates made for the purposes of the principal Act, and also of all persons entitled to vote at such election in respect of property within the town.

Such list shall be evidence that the persons therein named are entitled to vote at the next annual election for commissioners, and also at any other election for one or more commissioners which may be held before the next annual list is made out.

The clerk to the commissioners shall forthwith cause to be printed copies of the list to be made out by him in every year as aforesaid, and shall deliver a copy such list to all persons requiring the same, on the payment of the sum of one shilling for each copy, and shall cause a copy of such list to be fixed on or near the outer door of the office of the commissioners, and in some other public and conspicuous situation within the town, on every day during the ten days next preceding the day appointed for the election of the commissioners in each year.

Borrowing of Money.

Repeal of section 69 of principal Act. Power to borrow.

28. The sixty-ninth section of the principal Act shall be and the same is hereby repealed, and in lieu thereof be it enacted, that the commissioners may from time to time, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of the principal Act or of any Act incorporating the said Act in whole or in part, borrow and take up at interest, on the credit of the rates authorised to be made or collected under the said Acts respectively, any sums of money necessary for defraying any such costs, charges, and expenses; and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, the commissioners may mortgage to the persons by or on behalf of whom such sums are advanced the said rates or any of them; but the exercise of the above power shall be subject to the following regulations:

(1.) Such money shall not be borrowed until an estimate of the amount required has been laid before the commissioners, nor until the expiration of six weeks after public notice has been given by the commissioners of the amount so proposed to be borrowed, and the purpose to which the same is to be applied, in some newspaper in circulation within the town, nor unless the proposal to borrow shall be agreed to at the next meeting of the commissioners or

some adjournment of the same held after the expiration of six weeks after such public notice:

(2.) Such money shall not be borrowed except for permanent works, nor without the sanction of the Chief Secretary:

(3.) The amount of all moneys borrowed under the authority of this section shall not at any time exceed in the whole the assessable value for one year of the premises assessable within the town in respect of which such money may be borrowed:

(4.) The money may be borrowed for such time, not exceeding thirty years, as the commissioners, with the sanction of the Chief Secretary, determine in each case; and, subject as aforesaid, the commissioners may either pay off the moneys so borrowed by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of exchequer bills or other Government securities, such sum as will be sufficient to pay off the moneys so borrowed, or a part thereof, at such times as the commissioners may determine:

Provided always, that no commissioner or officer acting under them shall be personally liable for the repayment of any money so borrowed, but all such obligations shall be deemed and taken to be granted on the sole security of the said rates, and, save as above provided, so much of "The Commissioners Clauses Act, 1847," as relates to mortgages to be executed by the commissioners shall be incorporated with and form part of this part of this Act.

Appeal against Rating.

Power of appeal against rates, &c.

29. If any person finds himself aggrieved by any rate made by commissioners acting under the principal Act, or any special Act incorporating the said Act in whole or in part, or has any material objection to any person being put in or left out of such rate, or to the sum charged on any person therein, it shall be lawful for such person to appeal to any sessions of the peace to be held in the presence of the chairman of the county in which such commissioners have jurisdiction, within four calendar months next after the cause of such complaint shall have arisen; or if such sessions shall be held before the expiration of one calendar month next after such cause of complaint, then such appeal shall be made to the next following sessions.

Power to determine appeal or

The chairman before whom such appeal shall be brought shall have power to hear and finally determine the matter of any

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amend rate, or quash the same and order a new rate.

appeal brought before him under this Act, and shall make such order therein as to him shall seem meet, which order shall be final and conclusive upon all parties; and he shall have power to order the name of any person interested or concerned in the event of such appeal, and having had notice thereof, as herein is provided, to be inserted in such rate, and to be rated at such sum or sums of money, or to order the name of any such person to be struck out of such rate, or the sum or sums at which any such person is rated therein to be altered, as the said chairman shall think right: Provided always, that the chairman to whom such appeal shall be made shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to other persons or matter than are mentioned and specified in the notice of appeal; but if upon an appeal from the whole of any rate it shall be found necessary to quash or set aside the same, the chairman shall quash the same, and shall in that case order the governing body to make a new rate, and they are hereby required to make the same accordingly.

If rate decreased amount thereof to be returned.

If upon the hearing of any appeal from any rate under this Act, the chairman shall order the name of any person to be struck out of such rate, or the sum or sums rated on any person to be decreased or lowered, and if it shall be made to appear to the chairman that such person hath previously to the hearing of such appeal paid any sum or sums of money in consequence of such rate which he ought not to have been charged with, then and in every such case the chairman shall order all and every such sum and sums of money to be repaid by the said governing body, together with all reasonable costs, charges, and expenses occasioned by such person having been required to pay the same, to be recovered as penalties and forfeitures under this Act, in virtue of the provisions of which such rate shall have been made.

Fourteen days notice in writing to be given of appeal and grounds thereof.

The person so appealing shall give or cause to be given at least fourteen days notice in writing of his or their intention of appealing as aforesaid, and of the matter or cause thereof, to the clerk of the commissioners, and the chairman upon the hearing of such appeal shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal; and if any person shall appeal against a rate because any other person is rated therein at any greater or less sum than the net annual value of the hereditaments in respect of which such other person shall be rated, or for any cause that shall require any alteration to be made in such rates with respect to any other person, then and in every such case the person so appealing shall

give such notice of appeal as aforesaid not only to the said clerk, but also to every other person so interested or concerned in the event of such appeal, and every such other person shall if he so desire be heard upon such appeal.

Pending appeal, rate to be payable as if no appeal made.

Notwithstanding any such appeal or notice thereof, every rate shall be payable and shall be levied as if no appeal had been made until such rate shall be actually quashed or amended.

Costs may be awarded.

The chairman, upon hearing and finally determining the matter of any appeal, shall and may, according to his discretion, award such costs to the party appealing or appealed against as he shall think proper; and his determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

Amendment of Towns Improvement (Ireland) Act to be in force on commencement of this Act.

30. From and after the commencement of this Act the provisions of the principal Act which are herein-before amended shall, as amended by this part of this Act, be in force in every town or township in which the said provisions were adopted, or in which, under any special Act, the same or any of them or any modification or amendment of the same were in force prior to the commencement of this Act: Provided always, that where in any such special Act there are contained provisions for effecting the same or similar objects, the Commissioners acting in execution of the said special Act may, with the consent of two thirds of their number, continue to proceed under the provisions of such special Act.

PART III.

Lord Lieutenant, with approval of Treasury, to appoint persons to carry Act into execution.

31. *For the purpose of carrying this Act into execution it shall be lawful for the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, to appoint such persons at such salaries as he may think necessary, and from time to time to dismiss such persons and appoint others in their place. The persons so appointed shall act in the execution of this Act and form the Local Government Department of the Chief Secretary's Office; and the salaries of such persons shall be paid out of moneys to be provided by Parliament for that purpose.*

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SCHEDULE.

Description of Places.	Description of Governing Body.
The city of Dublin	The Right Honourable the Lord Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns corporate, with exception of Dublin.	The Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns having Commissioners appointed by virtue of an Act made in the 9th year of the reign of George the Fourth, intituled "An Act to make "provision for the Lighting, Cleans- "ing, and Watching of Cities and "Towns Corporate and Market "Towns in Ireland in certain cases."	The Commissioners.
Towns having municipal commissioners under 3 & 4 Vict. c. 108.	The Municipal Commissioners.
Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103), or under any local Act.	The Town Commissioners.
Townships having commissioners under local Acts.	The Township Commissioners.

Local Government (Ireland).

A

B I L L

To amend the Law relating to the Local Government of Towns and populous Places in Ireland.

(*Prepared and brought in by The Marquis of Hartington and Mr. Solicitor-General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 26 *May* 1871.

[Bill 165.]

Under 3 *oz.*

A

B I L L

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Barton, Eccles, Winton, and Monton, Bognor, Bolton (2), Burton-on-Trent, Chippenham, Chiswick, Derby, Harrogate (3), Kidderminster (2), Merthyr Tydfil, Northam, Ryde, Stroud, Trowbridge, and Worthing; to settle boundary of the district of Kingsholm, in the county of Gloucester; and for other purposes relative to certain districts under the said Act. A.D. 1871.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such Orders shall be of any validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and other provisions made with respect to certain districts under the Local Government Act aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisional Orders in schedule confirmed.

1. The Provisional Orders contained in the schedule hereunto annexed shall, from and after the *passing of this Act*, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act, except so much of the third Provisional Order relating to the district of High and Low Harrogate as follows; the words "shall be repealed" in the last clause of the said Order, and the said Order, shall be read as if so much of the said clause were struck out of the said Order.

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Defining boundaries of district of Chippenham.

2. Whereas the boundary of the district included under the Local Act for the improvement of the town of Chippenham in the county of Wilts referred to in the Order in the schedule to this Act is not sufficiently defined: Be it enacted, that from and after the confirmation of the said Order by this Act, the boundary of the district of Chippenham shall be that described in the schedule to the said Order, and shown on three plans signed by the Secretary of State for the Home Department, and sealed with the seal of the local board of the said district, one of which plans shall be deposited with the clerk of the peace for the county of Wilts, subject in all respects to the provisions of the Act of the first year of the reign of Her Majesty Queen Victoria, chapter eighty-three, entitled "An "Act to compel Clerks of the Peace for counties and other persons "to take the custody of such documents as shall be directed to be "deposited with them under the Standing Orders of either House "of Parliament;" and the second of such plans to be deposited in the Local Government Act Office; and the third shall remain in the custody of the said local board and their successors, and which said plans or any of them, or copies or extracts therefrom, certified under the hand of the clerk of the peace for the time being of the said county or under the seal of the said local board, as the case may be, as being true copies or extracts thereof or therefrom, shall be received in evidence in all courts of justice and before all justices of the peace in relation to all matters and proceedings concerning the boundaries and limits of the said district, or any part or parts thereof.

Compensation to clerk to commissioners under Chippenham local Act, for loss of office.

3. If the clerk to the commissioners acting under the local Act recited in the Provisional Order for the district of Chippenham in the county of Wilts in the schedule of this Act contained, part of which local Act is repealed by the said Order, shall by reason of the transfer of the powers of the commissioners to the local board be superseded, or if his present remuneration shall be affected, or if he shall be removed from his office, and not be employed and retained in an office of equal value by the Chippenham local board, he shall be entitled to have an adequate compensation for the profits, salary, and emoluments of the office which he will cease to hold, the said compensation to be by way of annuity or otherwise, and to be assessed by the Commissioners of Her Majesty's Treasury, upon the report of the said local board, to be made within three months after the said clerk shall have been superseded in his office, founded upon a declaration made by the said clerk setting forth the salary, profits, and emoluments derived by him or his predecessors for every year during a period of five years next before the day when he shall

have ceased to hold the office of clerk to the commissioners, and such other evidence as the said local board may require, as to the amount, nature, and particulars of such profits; and in assessing the same regard shall be had to the manner of his appointment to such office, and his term therein; and the said local board shall from time to time pay to such clerk, out of any general district rates, the money which shall upon such report, and any appeal or reclamation against the same, be finally awarded by the Commissioners of Her Majesty's Treasury as the same shall become due and be payable.

Compensation to clerk to commissioners under Trowbridge Local Act, for loss of office.

4. If the clerk to the commissioners acting under the local Act recited in the Provisional Order for the district of Trowbridge in the county of Wilts in the schedule of this Act contained, part of which Local Act is repealed by the said Order, shall by reason of the transfer of the powers of the commissioners to the local board be superseded, or if his present remuneration shall be affected, or if he shall be removed from his office, and not be employed and retained in an office of equal value by the Trowbridge local board, he shall be entitled to have an adequate compensation for the profits, salary, and emoluments of the office which he will cease to hold, the said compensation to be by way of annuity or otherwise, and to be assessed by the Commissioners of Her Majesty's Treasury, upon the report of the said local board, to be made within three months after the said clerk shall have been superseded in his office, founded upon a declaration made by the said clerk setting forth the salary, profits, and emoluments derived by him or his predecessors for every year during a period of five years next before the day when he shall have ceased to hold the office of clerk to the commissioners, and such other evidence as the said local board may require, as to the amount, nature, and particulars of such profits; and in assessing the same regard shall be had to the manner of his appointment to such office, and his term therein; and the said local board shall from time to time pay to such clerk, out of any general district rates, the money which shall upon such report, and any appeal or reclamation against the same, be finally awarded by the Commissioners of Her Majesty's Treasury as the same shall become due and be payable.

Power to rector for the time being of the parish of St. Peter-le-Bailey, Oxford, to take down

5. Whereas Queen Street in the city of Oxford, and within the district of the local board, is one of the principal streets of that city, and the western end thereof at its junction with the street known as the New Road, within the same city and district, (which streets together form the main thoroughfare to and from the railway stations,) is narrow, and altogether insufficient for the large amount

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the parish church, and to sell and convey the site thereof to the Oxford local board for public improvements, the money arising from such sale to be applied in building a new parish church in lieu of the church so taken down.

of traffic passing along it, and is also dangerous by reason of the sharp angle at the turning out of Queen Street: And whereas the southern end of New Inn Hall Street, within the same city and district, where it joins Queen Street aforesaid, is also very narrow and inconvenient: And whereas it would be a great public improvement if the church of Saint Peter-le-Bailey, which abuts on the north side of Queen Street and on the west side of New Inn Hall Street aforesaid, were taken down, and a part of the site thereof and of the churchyard belonging and adjoining thereto were thrown into those streets: And whereas it has been agreed between the Oxford local board and the Reverend Henry Linton, rector of the parish of Saint Peter-le-Bailey aforesaid, that the said Henry Linton, in consideration of the sum of one thousand four hundred pounds to be paid to him by the said local board, will (if and when legally enabled so to do) sell and convey to such board so much of the site of the church and churchyard aforesaid as is herein-after described (and is also shown upon a plan which has been deposited with the clerk of the peace for the county of Oxford, and thereon coloured red), to the intent that the same shall be thrown into the aforesaid streets for the widening of the same: And whereas at a meeting of the inhabitants of the parish of Saint Peter-le-Bailey in vestry assembled, held on the nineteenth day of May last, a proposal made by the said Henry Linton for taking down the said existing parish church and building a new church in lieu thereof on a site in New Inn Hall Street aforesaid, within the said parish, which site the said Henry Linton is willing to give for that purpose, was considered and adopted, and at such meeting the sale to the said local board of such parts as aforesaid of the site of the present church and churchyard of Saint Peter-le-Bailey, at the price and for the purposes respectively aforesaid, was also considered and unanimously approved: And whereas it has also been arranged that the said sum of one thousand four hundred pounds shall be paid into the hands of the said Henry Linton, or other the rector for the time being of the said parish, to be applied by him towards the building of such new parish church as aforesaid; but the said sale and arrangements cannot be carried into effect without the authority of Parliament: Be it therefore enacted, that it shall be lawful, at any time within the term of five years from the passing of this Act, for the said Henry Linton, as such rector as aforesaid, or other the rector of the said parish of Saint Peter-le-Bailey for the time being, (with the consent of the patrons or owners of the advowson of the rectory of Saint Peter-le-Bailey and of the bishop of the diocese,) to take down the said parish church, and to sell and alienate, and by

deed under his hand and seal to convey unto the local board of Oxford, for the purposes of such public improvement as aforesaid, and no other, and for such board for such purposes to buy for the sum of *one thousand four hundred pounds*, to be paid to him the said Henry Linton or other the rector for the time being as aforesaid, (whose receipt for the same sum shall fully discharge the said local board from and from all liability to see to the application of the said purchase money,) all that part of the site of the present church and disused churchyard of Saint Peter-le-Bailey in the city of Oxford, having a frontage from west to east in Queen Street aforesaid of seventy-two feet, and a frontage from north to south in New Inn Hall Street aforesaid of one hundred and thirteen feet, and containing in the whole two hundred and six square yards or thereabouts, and the fee simple thereof in possession: and that the consent of the said patrons or owners and bishop respectively aforesaid shall be sufficient, if signified by some writing under their respective hands before the execution of the deed of conveyance.

Settling a boundary within which a vote may be taken on the adoption of the Local Government Act by the district of Kingsholm in the county of Gloucester.

6. Whereas the district of Kingsholm St. Catherine in the county of Gloucester, being a district within which the Local Government Act, 1858, has been duly adopted, has interspersed within its boundaries, and immediately adjacent thereto, parts of many hamlets, townships, parishes, and extra-parochial places: And whereas a petition has been received from an area including the present district of Kingsholm St. Catherine and the said hamlets, townships, parishes, and extra-parochial places, purporting to be a petition under the sixteenth section of the Local Government Act, for the settlement of boundaries, as set forth in the said petition, with a view to a resolution on the adoption of the Local Government Act within such boundaries, and an inspector from the Local Government Act Office has inquired into and reported on such petition, and has recommended a boundary for the purpose aforesaid, but it is doubtful whether, owing to the peculiar circumstances of the area included in such petition, Her Majesty's Secretary of State is empowered, under the powers given to him in the Local Government Act, to define such boundaries: And whereas a further petition has been received since the said inquiry, praying for an extension of the boundaries described and set out in the first petition and plan: And whereas it appears expedient that a vote on the adoption of the Local Government Act be taken within the boundaries described in the said second petition: Be it hereby enacted, that the boundary as described in the schedule (B.) to this Act (being the boundaries described in the said second petition),

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shall be taken to be a boundary settled in pursuance of the sixteenth section of the Local Government Act, within which a vote may legally be taken on the adoption of the Local Government Act, and the Secretary of State shall appoint a summoning officer for the purpose of such vote; and that at the expiration of two months from the date of any resolution adopting the Local Government Act for the district within the said boundaries, which shall be called the Kingsholm district, a local board to be called the Kingsholm Local Board shall be elected in pursuance of the Local Government Act for the parts within the said boundaries; and from and after such election the local board of Kingsholm St. Catherine shall cease and determine, and its property, debts, duties, and obligations shall be transferred to the Kingsholm Local Board: Provided always, that any rating for payment of any such debt and interest thereon shall be apportioned between the district of Kingsholm St. Catherine and the parts so added as aforesaid to the said district in such manner as shall be settled by the Kingsholm Local Board and approved by one of Her Majesty's Principal Secretaries of State: Provided also, that notice of public meeting for the consideration of any resolution for the adoption of the Local Government Act within the said Kingsholm district shall be given by advertisement in some journal circulated in the district, and by notice affixed in the places where public notices are usually affixed within the said district.

Limitation of time for compulsory purchase by Derby Board of Health.

7. The powers of compulsory purchase given to the Local Board of Health of Derby by the Provisional Order for the said district in the schedule to this Act contained, shall not be exercised after the expiration of seven years from the date of the passing of this Act.

Act incorporated with 21 & 22 Vict. c. 98.

8. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government were one Act.

Short title.

9. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1871.

SCHEDULES referred to in the preceding Act.

SCHEDULE A.

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. Barton, Eccles, Winton, and Monton.—Alteration of Order in Council applying Public Health Act, 1848, to district.
2. Bognor.—Alteration of Local Act.
3. Bolton (Lanc.)—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
4. Bolton (Lanc.)—Extension of borrowing powers.
5. Burton-upon-Trent.—Alteration of Local Act.
6. Chippenham.—Alteration of Local Act.
7. Chiswick.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
8. Derby.— Do. Do.
9. Harrogate.— Do. Do.
10. Harrogate.—Altering boundaries of district.
11. Harrogate.—Extension of borrowing powers.
12. Kidderminster.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
13. Kidderminster.—Extension of borrowing powers.
14. Merthyr Tydfil.—Extension of borrowing powers.
15. Northam.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
16. Ryde.—Extension of borrowing powers.
17. Stroud.— Do. do.
18. Trowbridge.—Alteration and partial repeal of Local Act.
19. Worthing.—Extension of borrowing powers.

BARTON, ECCLES, WINTON, AND MONTON.

Provisional Order for altering the Order in Council, applying the Public Health Act, 1848, *to the District of Barton, Eccles, Winton, and Monton in the County of Lancaster.*

Whereas by an Order of Her most Gracious Majesty in Council, bearing date the tenth day of March 1853, made under the provisions of the Public Health Act, 1848, the said Public Health Act was duly applied to the district of Barton, Eccles, Winton, and Monton in the county palatine of Lancaster:

And whereas by such Order as aforesaid the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at nine, the entire number to be elected for the whole of such district:

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And whereas by an Order of the Secretary of State for the Home Department, bearing date the thirteenth day of July 1868, on the petition of the said Local Board, the said district was divided into four separate wards, for the election of members to constitute the Local Board of Health for such district, three members being assigned to Barton Ward, three to Eccles Ward, two to Winton Ward, and one to Monton Ward:

And whereas the Local Board of Health for the said district have, in pursuance of the Local Government Act, 1858, (sect. 77,) presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Order, in so far as such Order relates to the number of members to constitute the Local Board of Health for such district:

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the matters mentioned in the said petition:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

1. The number of members to constitute the Local Board of Health for the district of Barton, Eccles, Winton, and Monton shall be twelve, anything in the herein-before recited Order, bearing date the third day of July 1854, to the contrary notwithstanding.
2. Of the said twelve members, four shall be elected by the owners of and ratepayers in respect of property in the Barton Ward; five by the owners of and ratepayers in respect of property in Eccles Ward; two by owners of and ratepayers in respect of property in Winton Ward; one by owners of and ratepayers in respect of property in Monton Ward.
3. One third in number of the twelve members constituting the Barton, Eccles, Winton, and Monton Local Board of Health shall annually go out of office on the usual day for the retirement of members.
4. The new member for Barton Ward and the two new members for Eccles Ward shall be elected within one month from the passing of the Act confirming this Order, by the owners of and ratepayers in respect of property in each of those wards respectively.
5. At the next general election, all the twelve members of the said Local Board shall retire, and twelve new members shall be elected in their places, according to the distribution of members among wards made by this Order.
6. As the numbers of members to be elected for such wards are not divisible by three, the order of retirement of members for the respective wards shall be as follows:—

   For the Barton Ward, two members shall retire after one year's service, one member after two years' service, and one member after three years' service. For Eccles Ward, two members shall retire

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after one year's service, two members after two years' service, and one member after three years' service. For Winton Ward, no member shall retire after one year's service, one member shall retire after two years' service, and one member after three years' service. For Monton Ward, no member shall retire after one year's service, no member after two years' service, one member shall retire after three years' service. And this order of retirement shall be repeated in each succeeding term of three years.

Given under my hand, this sixth day of July one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

BOGNOR.

Provisional Order altering a Local Act in force within the District of the Local Board of Bognor, in the County of Sussex.

Whereas the Local Board in and for the district of Bognor, in the county of Sussex, have, in pursuance of the provisions of the 77th section of the Local Government Act, 1858, presented a petition under their seal, and under the hands of seven of the members of the said board, to me as one of Her Majesty's Principal Secretaries of State, praying for an alteration of an Act of Parliament passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act for paving, lighting, watching, and otherwise "improving the Town of Bognor, in the County of Sussex, and for enlarging "two Acts of Parliament passed in the third and sixth years of His late "Majesty King George the Fourth, relating to the said Town:"

And whereas on the receipt of such petition, I, as one of Her Majesty's Principal Secretaries of State, having inquired into the subject matter of the said petition, have found that great injury is done to the defences of the coast within the said district by the removal of sand, shingle, and other matters from the seashore near such defences:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State as aforesaid, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The 27th section of the said Act shall be altered by the following addition before the proviso:—"On a second or any subsequent conviction of the "taking of stones, rock, boulders, shingle, gravel, sand, or other material, "except sea-weed, from the sea beach or shore of Bognor, as aforesaid, the "offender may, in lieu of the penalty aforesaid, be committed to gaol for "any term not exceeding three months."

2.—The sections of the aforesaid Local Act numbered 107 to 110, both inclusive, shall notwithstanding anything in the Provisional Order for Bognor in the Schedule to the Local Government Supplemental Act, 1867 (No. 5), be in force and effect within the said district with respect to bathing

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machines as if the same had never been repealed by the said Provisional Order; provided that the sum of one shilling shall be chargeable for every license issued for a bathing machine instead of two shillings and sixpence, as provided in the said Local Act.

Given under my hand this twenty-ninth day of June One thousand eight hundred and seventy.

(Signed) H. A. Bruce.

BOLTON.

Provisional Order empowering the Bolton Local Board of Health to put in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the said Board for Street Improvement and Sewage Outfall Works.

Whereas the Town Council, acting as the Local Board of Health in and for the borough of Bolton in the county of Lancaster, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a Petition, under the seal of the said Corporation, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for street improvement and sewage outfall works:

And whereas the said petition duly set forth in the Schedules annexed thereto the several pieces of land intended to be taken by such board for such purposes, as shown in the plans accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esquire, the Inspector appointed for the purpose, to visit the district of the said Local Board, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board of Health for the borough of Bolton in the county of Lancaster shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the powers

of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purposes hereinbefore set forth. A.D. 1871.

Given under my hand, this twenty-fourth day of June one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

The SCHEDULE referred to in the foregoing Order.

The Lands, Buildings, and Premises proposed to be taken for the purposes set forth in the preceding Order are the following. The figures in the first column refer to those on the plan accompanying the Petition of the aforesaid Board of Health.

No. on Plan 1.	Description of Property.	Owners.	Lessees.	Occupiers.
PART 1.—SEWAGE WORKS.				
1	Pasture field - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft -	Samuel Scowcroft.
2	Stables - - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft -	Samuel Scowcroft.
3	Pasture field - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft -	Samuel Scowcroft.
4	Watercourse or drain -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft -	Samuel Scowcroft.
5	Pasture field - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft -	Samuel Scowcroft.
11	Pasture field - -	Gerard Brown Finch and Peter Wallwork Latham.	Samuel Scowcroft -	William Haslam.
PART 2.—NEW STREET from DEANSGATE to ST. GEORGE'S ROAD.				
No. on Plan 2.		*St. George's Road.*		
1	Vacant land - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Heyes.	William Heyes.	—
2 and 3	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Heyes.	William Heyes - -	William Heyes.
4	Vacant land - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick.	

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
		Pool Street.		
5	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick -	Stephen Cross.
6	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick -	Aaron Dyke.
7	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick -	William Henry Johnsson.
8	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Peter McCormick.	Peter McCormick -	Robert Mead
		Bark Street.		
9	Cane and skip-works -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt - -	William Abbatt.
10	Cane and skip-works -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt - -	William Abbatt.
11	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt - -	Edgar Ashbury.
12	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt - -	Thomas Bridge.
13	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt - -	George Butler.
14	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt - -	William Farrall.
15	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, William Abbatt.	William Abbatt - -	Hannah Gerrard.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
		Pool Street.		
16	Vacant land - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Jonathan Edge.	Jonathan Edge - -	Jonathan Edge.
		Edge Street.		
17	Engine house -	Jonathan Edge - -	- - - -	Jonathan Edge.
18	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Edward Lowe.	Henry Lowe, Edward Lowe.	Edward Lowe.
19	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Edward Lowe.	Henry Lowe, Edward Lowe.	James Kershaw.
20	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Thomas Lowe.	Henry Lowe, Thomas Lowe.	William Waddington.
21	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe.	Henry Lowe - -	Jane Dewsnip.
22	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Joseph Wilding, and William Wilding.	Henry Lowe, Joseph Wilding, and William Wilding.	John Taylor.
23	Smithy - - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Henry Lowe, Joseph Wilding, and William Wilding.	Henry Lowe, Joseph Wilding, and William Wilding.	Abel Bromley.
		St. Helena.		
24	Cotton mill and land -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Robert Walker.	Robert Walker - -	Robert Walker.
25	Land and brook - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Robert Walker.	Robert Walker - -	Robert Walker.
26	House - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle -	William Tong.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
27	House	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle	Michael Coffey.
28	House	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle	James Parkinson.
29	House and warehouse	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle	Richard Brown, John Hill.
30	House and warehouse	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle	William Morris, John Hill.
31	House and warehouse	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle	Robert Stewart, Jonathan Clewes.
32	House and stable	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle	Elizabeth Lowe, Mary Stopport.
33	House	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Hezekiah Whittle.	Hezekiah Whittle	Hugo Williamson.
34	River Croal	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Robert Walker, Hezekiah Whittle, George Whittaker, Thomas Taylor.	Robert Walker, Hezekiah Whittle, George Whittaker, Thomas Taylor.	—
35	Dye Works	George Whittaker, Thomas Taylor.	Thomas Taylor	Thomas Taylor.
36	River Croal	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, Robert Walker, Hezekiah Whittle, George Whittaker, Thomas Taylor.	Robert Walker, Hezekiah Whittle, George Whittaker, Thomas Taylor.	
37	Lan	George Whittaker, Thomas Taylor.	Thomas Taylor	Thomas Taylor.
38	Dye works	George Haslam		George Haslam.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
		Blundell Street.		
39	Office and workshop -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Robert Simon Hilton.
40	Yard - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Robert Simon Hilton.
41	Workshop - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Robert Simon Hilton.
42	Land (agreed to be purchased by Corporation from Grimes).			
		Grime Street.		
43	Warehouse - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Edward Brown.
		Deansgate.		
44	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Henry Birtwistle.
45	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Herminah Hannah Cross.	Herminah Hannah Cross -	Robert Moss.
46	House, outbuildings, and yard.	John Silcock - -	Henry Heyes - -	Henry Heyes.
47	House - - -	John Silcock - -	- - - -	Thomas Bleasdale.
		Simpson's Square.		
48	House and yard -	John Silcock - -	- - - -	John Russell.
49	Warehouse -	John Silcock - -	- - - -	Henry Heyes.
50	House and yard -	John Silcock - -	- - - -	James Martin.
51	Warehouse - -	Thomas Lever - -	- - - -	William Mason.
52	Warehouse - -	Thomas Lever - -	- - - -	William Mason.
53	Warehouse - -	Thomas Lever - -	- - - -	William Mason.
53a	Warehouse - -	Thomas Lever - -	- - - -	William Mason and Rachel Moran.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
54	House - - -	Thomas Lever - -	- - - -	Samuel Taylor.
55	House - - -	Thomas Lever - -	- - - -	Catherine Fallon.
56	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, George Lyon.	George Lyon - -	Charles Price.
		Deansgate.		
57	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, George Lyon.	George Lyon - -	George Lyon.
58	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Ann Holden.	Ann Holden - -	Henry Jones.
59	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Thomas Lee.
		Marsh's Court.		
60	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	William Haydock.
60a	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	John Windle.
61	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Peter Taylor.
61a	Vacant land - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	Elizabeth Haslam, James Haslam, and William Haslam, Thomas Holden, Betsey Holden, Henry Sharp, and Helen Andrews.	—

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
62	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	James Lomax.
		Blundell's Entry.		
63	House -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	Sarah Gerrard.
64 and 65	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	James Johnson.
65a	Vacant land -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner.	—
		Deansgate.		
66	House and yard and cellar	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	Thomas Hampson (house), Robert Bradshaw (cellar).
67	House and cellar - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	James Cooper (house), Thomas Charnock (cellar).
		Blundell's Entry.		
68	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	James Unsworth.
69	House - - -	Thomas William Holden, William Makant, and Robert Alexander Clarke, David Skinner.	David Skinner - -	William Yates.
		Deansgate.		
70	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Thomas Beswick, Joseph Harwood, and Ralph Challinor.	Thomas Beswick, Joseph Harwood, and Ralph Challinor.	James Morris.
		Salt Pie Yard.		
71	House - -	David Skinner - -	- - - -	John Carlile.
72 & 73	Warehouse -	George Whittaker -	- - - -	Thomas Crook.
		Deansgate.		
74	House, outbuildings, and yard.	Thomas William Holden, William Makant, and Robert Alexander Clarke, Abraham Bowker.	Abraham Bowker - -	Abraham Bowker.

No. on Plan 2.	Description of Property.	Owners.	Lessees.	Occupiers.
75	House and yard -	George Mason - -	George Mason - -	John Lomax.
		Salt Pie Yard.		
76	Vacant land - -	George Whittaker.	—	-

PART 3.—EXTENSION OF HOTEL STREET WEST.

No. on Plan 3.				
		Howell Croft.		
1	House and yard - -	Peter Foster -	- - - -	Margaret Dootson.
2	House and yard - -	John Gordon - -	- - - -	Elizabeth Chorlton.
3	House and yard - -	John Gordon - -	- - - -	William Travis.
4 & 5	House, outbuildings, and yard.	George Cooper - -	- - - -	George Cooper.
6	Warehouse -	Mary Kay and Ellen Kay, Walker Hulton.	Walker Hulton - -	William Lomax and John Lomax.
7	Cooperage - - -	Mary Kay and Ellen Kay, Walker Hulton.	Walker Hulton - -	George Richardson.
8	House and yard - -	Samuel Kershaw, Samuel Holt, and William Holt.	- - - -	Maria Crook.
9	House and yard - -	Arthur Bromiley and Robert Kenyon.	- - - -	William Burns.
		Court 4.—*Spring Gardens.*		
10	House - -	William Pilkington and Peter Pilkington.	- - - -	Jonathan Spencer.
11	House - - -	Hannah Pendlebury -	- - - -	Robert Abrahams.
12	House - -	James Edge - -	- - - -	William Berry.
		Court 3.—*Spring Gardens.*		
13	House - - -	John Albert Slater - -	- - - -	Margaret Malley.
14	House - - -	John Albert Slater - -	- - - -	Mary Tong.
		Off Spring Gardens.		
15	Outbuilding - -	George Cooper -	- - - -	Mary Vickers.
16	Warehouse - -	George Cooper - -	- - - -	George Cooper.
		Court 2.—*Spring Gardens.*		
17	House - -	Thomas Holden, Helen Andrews, William Tristram, Thomas Grundy, and Thomas Hesketh Higson.	- - - -	Ann Morris.
18	House - - -	The Reverend George Airey.	- - - -	Henry Sharples.
19	House - - -	The Reverend George Airey.	- - - -	Charles Mann.

No. on Plan 3.	Description of Property.	Owners.	Lessees.	Occupiers.
		Court No. 1.—Spring Gardens.		
20	House	Robert Gudgeon Hinnell		Priscilla Healey.
21	House	Mary Woods, Peter Swarbrick, and John Gratrix.		Sarah Entwistle.
		Spring Gardens.		
22	House	George Aldersley		Catherine McDonald.
23	House	George Aldersley		Betty German.
24	House	Thomas Heaton		John Eagan.
25	House	Sarah Scholes		Jonathan Gledhill.
26	House	John Albert Slater		Jonathan Barton.
27	House	George Cooper		Thomas Cumptey.
28	House	Thomas Holden, Helen Andrews, William Tristram, Thomas Grundy, and Thomas Hesketh Higson.		Margaret Pendergest.
29	House	Thomas Holden, Helen Andrews, William Tristram, Thomas Grundy, and Thomas Hesketh Higson.		Ann Morris.
30	House	The Reverend George Airey.		Thomas Isherwood.
31	House	The Reverend George Airey.		Charles Gill.
		Court No. 2.—Spring Gardens.		
31a	House	The Reverend George Airey.		Hugh Loughlan.
		Spring Gardens.		
32	House	Nancy Kenyon		Walter Charles Bulmer.
33	House	Mary Woods, Peter Swarbrick, and John Gratrix.		Mary Woods.
		Spring Gardens (West Side).		
34	House	John Shone		John Shone.
35	House	James Hardman		James Fitzsimons.
36	House, outbuildings, and yard.	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Thomas Nelson.	Thomas Nelson	George Bromilow.
37	House	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Thomas Nelson.	Thomas Nelson	Thomas McMahon.

No. on Plan 3.	Description of Property.	Owners.	Lessees.	Occupiers.
38	House	James Gillibrand		Lydia Gregson.
39	House	James Gillibrand		Hugh Campbell.
40	House	James Gillibrand		James Gillibrand.
41	House	William Ramwell		John Kirby.
42	House	Edward Aspinall		Edward Aspinall.
43	Store room	Peter Manchester, James Lever, and Richard Shaw.		Peter Manchester, James Lever, and Richard Shaw.
44	Wheelwright's shop	Edward Aspinall		Edward Aspinall.
45	House and outbuildings	Peter Manchester, James Lever, and Richard Shaw.		John Foster.
		Back Spring Gardens.		
46	Outbuildings	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Thomas Nelson.	Thomas Nelson	George Bromilow.
47	House	James Gillibrand		Joseph Mellor.
48	Warehouse	James Gillibrand		James Gillibrand.
49	House	James Gillibrand		Samuel Holt.
50	House	James Gillibrand		Michael Lee.
51	Smithy	Edward Aspinall		Edward Aspinall.
		Spring Gardens.		
52	Public house, brewhouse, outbuildings, and yard.	Peter Manchester, James Lever, and Richard Shaw.		William Hall.
		Queen Street.		
53	Wheelwrights Works	William Rigby and Edward Rigby.		William Rigby and Edward Rigby.
		Back Spring Gardens.		
54	House	John Bolton		Thomas Whalley.
		Queen Street.		
55	House	John Bolton		John Culshaw.
56	House	John Bolton		Mary Whitely.
57	House	Richard Riley and Sophia Riley, John Shuttleworth.	John Shuttleworth	John Brown.
58	Land	William Rigby and Edward Rigby.		William Rigby and Edward Rigby.
59 and 60	Wheelwrights Works	William Rigby and Edward Rigby.		William Rigby and Edward Rigby.

No. on Plan 3.	Description of Property.	Owners.	Lessees.	Occupiers.
61	House and yard - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, John Hilton.	John Hilton - -	Patrick Manning and Osborne.
62	House and yard - -	Thomas Hibbert, the Reverend Vernon Tipping, and Edmund Joseph Tipping, John Hilton.	John Hilton - - -	John Hilton.
63	Part of foundry - -	William Rigby and Edward Rigby.	- - - -	William Rigby and Edward Rigby.
64	Part of foundry - -	William Rigby and Edward Rigby.	- - - -	William Rigby and Edward Rigby.
64a	Passage - - - -	William Rigby and Edward Rigby.	- - - -	William Rigby and Edward Rigby and John Hilton.
	Blackhorse Street.			
65	Cotton mill - -	Thomas Satterthwaite and Thomas Waddington.	- - - -	Thomas Satterthwaite and Thomas Waddington.
66	Part of cotton mill -	Thomas Satterthwaite and Thomas Waddington.	- - - -	Thomas Satterthwaite and Thomas Waddington.
67	Slaughter-house - -	Ann Wilson - -	- - - -	William Allen, Henry Birtwistle.
68	Slaughter-house - -	Ann Wilson - - -	- - - -	William Allen, Henry Birtwistle.
69	Warehouse - -	Ralph Howcroft, Peter Howcroft, and James Howcroft.	- - - -	Thomas Broughton.
70	Warehouse - - -	Ralph Howcroft, Peter Howcroft, and James Howcroft.	- - - -	James Markland.
	Back Queen Street.			
71	House - - - -	Ann Wilson - -	- - - -	William Freeman.
72	House - - -	Ann Wilson - - -	- - - -	Patrick Gibbons.
73	House - - - -	Ann Wilson - -	- - - -	Thomas Stevens.

PART 4.—SHIP GATES IMPROVEMENT.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
	Mealhouse Lane.			
1	Public house, brewhouse, outbuildings, and yard.	Margery Cron, Mary Cron, John Bromley, Agent.	- - - -	Thomas Edmondson.
1a	Passage - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Edmondson, Elijah Wilson, Joseph Santley, William Leach, Michael Kelley.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
2	House - - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Elijah Wilson.
3	House - - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Joseph Santley.
4	House, outbuildings, and yard.	Edward Moores - -	- - - -	Edward Moores.
5	Public house - - -	Elizabeth Isherwood, Alice Isherwood, Samuel Fish, and Mary Fish.	- - - -	Elizabeth Isherwood, Alice Isherwood.
6	Yard - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Joseph Santley, lijah Wilson, William Leach, Michael Kelley.
7	Yard - - - - -	Margery Cron, Mary Cron, John Bromley, Agent.	- - - -	Thomas Edmondson.
	Court off Mealhouse Lane.			
8	House - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	William Leach.
9	House - - - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Michael Kelley.
	Court off Ship Gates.			
10	Brewhouse - -	Elizabeth Isherwood, Alice Isherwood, Samuel Fish, and Mary Fish.	- - -	Elizabeth Isherwood and Alice Isherwood.
11	Yard - - - - -	Elizabeth Isherwood, Alice Isherwood, Samuel Fish, and Mary Fish, Edward Moores.	- - - -	Elizabeth Isherwood, Alice Isherwood, Edward Moores, John Greenhow.
12	Passage - - -	Elizabeth Isherwood, Alice Isherwood, Samuel Fish, and Mary Fish, Edward Moores.	- - - -	Elizabeth Isherwood, Alice Isherwood, Edward Moores, John Greenhow.
13	House - - - - -	Edward Moores - -	- - - -	Edward Moores.
14	House - - - -	Edward Moores - -	- - - -	John Greenhow.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
15	Passage - - - -	Edward Moores - -	- - - -	Edward Moores, Elizabeth Isherwood, Alice Isherwood, and John Greenhow.
16	Warehouse - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	James Lawson.
17	Warehouse - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Isaac Fairclough.
	Shambles.			
18	Passage - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	James Lawson, Isaac Fairclough, John Dixon, Henry Gerrey.
19	House - - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	John Dixon.
20	Workshop - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Henry Gerrey.
21	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	William Markland and James Morris.
22 and 23	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	John Walker and James Morris.
24	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Edward Draper and James Morris.
25	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Joseph Speakman and James Morris.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
26 and 27	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Ellis Heywood and James Morris.
28	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Gibbs and James Morris.
29	Workshop - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	James Morris.
30 and 31	Slaughter-house and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Henry Entwistle and James Morris.
32 and 33	Slaughter-house, office, and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Roger Wharton and James Morris.
34 and 35	Slaughter-house, office, and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	William Ward, Thomas Baron, and James Morris.
36	Store-room and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Alexander Smith and Alexander Forrest and James Morris.
37	Store-room and part of workshop.	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	William Horrocks and James Morris.
38	Vacant land - -	Margery Cron, Mary Cron, John Bromley, Agent, Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	Thomas Cross, Henry Sharp, Hannah Gaskell, and Thomas Baron.	—
		Off Ship Gates.		
39	Brewhouse - -	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.	- - - -	Nathaniel Green.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
40	Warehouse	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.		John Collier.
41	Yard	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.		Thomas Arden, John Collier, and William Fernihough.
42	Warehouse	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.		John Collier.
43	Stables	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.		Thomas Arden.
44	Smithy	Edward Moores		William Crook.
45	House	Edward Mocres		Empty.
46	Passage, privies, and hencote.	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.		Nathaniel Green and Peter Downs.
47	Brewhouse	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.		Richard Wright.
48	Pig stye	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.		John Collier.
49	Stable	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.		William Fernihough.
50	Passage	Oldham Whittaker, Alexander Butler Rowley, and Robert Wallwork.		Thomas Arden, John Collier, and William Fernihough.
		Crown Entry.		
51	House	Lawrence Horrocks		John Yates, Mary Morris.
52	House	Lawrence Horrocks		Isaac Armitstead.
53	House	Lawrence Horrocks		William Woodhead.
54	Store-room	Lawrence Horrocks		John Foy.
55	Privies	Lawrence Horrocks		Mary Morris, Isaac Armitstead, and William Woodhead.
56	Stables	Lawrence Horrocks		John Foy, John Yates.
57	Stables	Lawrence Horrocks		John Foy.
58	Stables	Lawrence Horrocks		John Yates, Robert Hall, and John Harwood.
		Ship Gates.		
59	Workshop	Walker Hulton.	—	—
		James Whitehead	James Whitehead	James Hilton.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
		Crown Entry.		
60	Crown entry - -	Lawrence Horrocks.		
61	Part of house - -	The Earl of Bradford -	- - - -	John Ward.
62	Part of house - -	The Earl of Bradford -	- - - -	John Ward.
63	Passage - - -	The Earl of Bradford -	- - - -	John Ward.
64	Brewhouse - -	The Earl of Bradford -	- - - -	John Ward.
65	Warehouse - -	Edward Silvester -	- - - -	Thomas Arden.
66	Part of house - -	The Earl of Bradford -	- - - -	John Ward.
		Bradshawgate.		
67	House, outbuildings, and yard.	The Earl of Bradford -	- - - -	James Holden.
68	Part of house - -	The Earl of Bradford -	- - - -	John Ward.
69	Public house, outbuildings, and yard.	The Earl of Bradford -	- - - -	John Ward.
70	Yard - - -	The Earl of Bradford -	- - - -	John Ward.
71	Part of house - -	Edward Silvester -	- - - -	Ralph Partington.
72	Privies - - -	Edward Silvester -	- - - -	Ralph Partington.
73	House, outbuildings, and yard.	Edward Silvester -	- - - -	Ralph Partington.
74	Yard - - -	Edward Silvester -	- - - -	Ralph Partington.
75	House, outbuildings, and yard,	Edward Silvester -	Thomas Arden - -	Thomas Arden.
76	Street through Ship Gates.			
77	Part of house - -	Edward Silvester -	Thomas Arden -	Thomas Arden.
78	Public house - -	Walker Hulton -	- - - -	James Barlow.
79	Yard - - -	Walker Hulton	- - - -	James Barlow.
80	Part of house - -	Walker Hulton -	- - - -	James Barlow.
81	Part of house - -	Walker Hulton -	- - - -	James Barlow.
82	Brewhouse - -	Walker Hulton -	- - - -	James Barlow.
82a	Public house, outbuildings, and yard.	The Earl of Bradford -	- - - -	Jonathan Simpson.
83	Stables - - -	Walker Hulton -	- - - -	James Barlow.
		Ship Gates.		
84	Passage - - -	Walker Hulton -	- - - -	James Barlow.
85 and 86	House - - -	Walker Hulton -	- - - -	Patrick Barratt.
87	Ashpit - - -	Walker Hulton -	- - - -	James Barlow.

No. on Plan 4.	Description of Property.	Owners.	Lessees.	Occupiers.
88	Passage	William Lee		Michael Brannan, John Reddy, Elizabeth Halliwell, John Wade.
89	House	William Lee		Michael Brannan.
90	House	Thomas Haydock		John Reddy.
91	House	Hezekiah Whittle		Elizabeth Halliwell.
92	House and outbuildings	Hezekiah Whittle		James Lawson.
93	House	Margery Cron, Mary Cron, John Bromley, Agent.		John Bromley.
94	Part of house	Margery Cron, Mary Cron, John Bromley, Agent.		John Bromley.
94a	Yard	Margery Cron, Mary Cron, John Bromley, Agent.		John Bromley.
95	Store-rooms	Hezekiah Whittle		James Lawson.
95a	Yard	Hezekiah Whittle		James Lawson.
		Shell Court, Ship Gates.		
96	House	Hezekiah Whittle		Empty.
97	House	Hezekiah Whittle		John Wade.
98	House	Thomas Haydock		Empty.
99	Privies and ashpit	William Lee, Thomas Haydock, Hezekiah Whittle.		Michael Brannan, John Reddy, Elizabeth Halliwell, John Wade.
100	Stables	Walker Hulton		James Barlow.
101	Yard	William Lee, Thomas Haydock, Hezekiah Whittle.		Michael Brannan, John Reddy, Elizabeth Halliwell, John Wade.
		Ship Gates.		
102	Stables	Margery Cron, Mary Cron, John Bromley, Agent.		John Bromley.
103	Privies	Margery Cron, Mary Cron, John Bromley, Agent.		John Bromley.
104	Yard	Margery Cron, Mary Cron, John Bromley, Agent.		John Bromley
105	House and cellar	Margery Cron, Mary Cron, John Bromley, Agent.		John Alban, Samuel Hamer, Elijah Gorse.
106	Scullery	Margery Cron, Mary Cron, John Bromley, Agent.		Samuel Hamer, Elijah Gorse.
107 and 108	Public house, brewhouse, outbuildings, and yard.	Samuel Hamer		Elijah Gorse.

No. on Plan 5.	Description of Property.	Owners.	Lessees.	Occupiers.	
		PART 5.—NEW ROAD, ROTHWELL STREET TO SHAW STREET.			
		Rothwell Street.			
1	Vacant land - -	The mayor, aldermen, and burgesses of the borough of Bolton, Christopher Briggs, Mary Rostron.	Christopher Briggs, Mary Rostron.	—	5
2	Machine works - -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson, and William Cryer.	William Lee, William Demain Atkinson, William Cryer.	William Cryer.	10
3	Weaving works -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.	15
4	Weaving works - -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.	20
5	Land - - -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.	25
6	Reservoir - -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.	30
7	Land - - -	The mayor, aldermen, and burgesses of the borough of Bolton, William Lee, William Demain Atkinson.	William Lee, William Demain Atkinson.	William Demain Atkinson.	35
7a	Railway and land -	The mayor, aldermen, and burgesses of the borough of Bolton, the London and North Western Railway Company.	The London and North Western Railway Company.	The London and North-Western Railway Company.	40
		Shaw Street.			
8	Vacant land - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, John Smith.	The Reverend William Foxley Norris, John Smith.	—	45
8a	Vacant land - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mahalah Hardcastle.	The Reverend William Foxley Norris Mahalah Hardcastle.	—	50

No. on Plan 5.	Description of Property.	Owners.	Lessees.	Occupiers.
9	Shed - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mahalah Hardcastle.	The Reverend William Foxley Norris, Mahalah Hardcastle.	James Howarth.
10	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Haslam.	The Reverend William Foxley Norris, William Haslam.	James Howarth.
11	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Haslam.	The Reverend William Foxley Norris, William Haslam.	James Horridge.
12	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Haslam.	The Reverend William Foxley Norris, William Haslam.	Simon Mather.
13	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, The Reverend George Airey.	The Reverend William Foxley Norris, the Reverend George Airey.	Robert Clegg.
14	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, John Openshaw, Ann Platt, and Hugh Sherlock.	The Reverend William Foxley Norris, John Openshaw, Ann Platt, and Hugh Sherlock.	William Burns.
15	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Jane Scholes.	The Reverend William Foxley Norris, Jane Scholes.	James Warbanks.
16	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Jane Scholes.	The Reverend William Foxley Norris, Jane Scholes.	William Hilton.
17	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron, Edmund Howarth.	The Reverend William Foxley Norris, Mary Rostron, Edmund Howarth.	John Clemmett.
18	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Smith.	The Reverend William Foxley Norris, Mary Smith.	Matthew English.
19	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Smith.	The Reverend William Foxley Norris, Mary Smith.	Daniel Williams.

No. on Plan 5.	Description of Property.	Owners.	Lessees.	Occupiers.
20	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Thomas Hatton.	The Reverend William Foxley Norris, Thomas Hatton.	William Greenhalgh.
21	Vacant land - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, John Smith.	The Reverend William Foxley Norris, John Smith.	
22	House and cellar - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron.	The Reverend William Foxley Norris, Mary Rostron.	Henry Hayes (house), George Brooks (cellar).
23	Vacant land -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Phethean.	The Reverend William Foxley Norris, William Phethean.	
24	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Highfield, Maria Crook.	The Reverend William Foxley Norris, William Highfield, Maria Crook.	Thomas Gore.
25	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, James Schofield, and Mary Schofield.	The Reverend William Foxley Norris, James Schofield, and Mary Schofield.	James Cain.
26	Vacant land - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, James Schofield, and Mary Schofield.	The Reverend William Foxley Norris, James Schofield, and Mary Schofield.	
27	Coal-yard - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, James Croston.	The Reverend William Foxley Norris, James Croston.	James Horridge.
28	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, William Gabbatt.	The Reverend William Foxley Norris, William Gabbatt.	Dorothy Brooks.
29	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron.	The Reverend William Foxley Norris, Mary Rostron.	Henry Hampson.
30	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron.	The Reverend William Foxley Norris, Mary Rostron.	Frank Farrington.

No. on Plan 5.	Description of Property.	Owners.	Lessees.	Occupiers.
31	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, James Baxendale.	The Reverend William Foxley Norris, James Baxendale.	Isaac Whalley.
32	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Ann Wilson, William Highfield.	The Reverend William Foxley Norris, Ann Wilson, Willliam Highfield.	James Brownlow.
33	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron, Edmund Howarth.	The Reverend William Foxley Norris, Mary Rostron, Edmund Howarth.	Joseph Whittle.
34	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Isaac Hodgkinson, and Elizabeth Hodgkinson.	The Reverend William Foxley Norris, Isaac Hodgkinson, and Elizabeth Hodgkinson.	Ann Robinson.
35	House - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Mary Rostron.	The Reverend William Foxley Norris, Mary Rostron.	John Haslam.
36	House and cellar - -	The mayor, aldermen, and burgesses of the borough of Bolton, the Reverend William Foxley Norris, Isaac Hodgkinson, and Elizabeth Hodgkinson.	The Reverend William Foxley Norris, Isaac Hodgkinson, and Elizabeth Hodgkinson.	John Taylor (house), Agnes Aldred (cellar).

PART 6.—WIDENING OF ROTHWELL STREET.

Rothwell Street.

No. on Plan 6.				
1	House - - -	The mayor, aldermen, and burgesses of the borough of Bolton, Christopher Briggs, Samuel Scholes.	Christopher Briggs, Samuel Scholes.	John Healey.

PART 7.—MEALHOUSE LANE IMPROVEMENT.

No. on Plan 7.				
1	Public house, brewhouse, outbuildings, and yard.	William Green - -	John Edward Green -	John Edward Green.
2	Public house, outbuildings, and yard.	William Green - -	- - - -	James Wilkinson.

No. on Plan 8.	Description of Property.	Owners.	Lessees.	Occupiers.
		PART 8.—DUKE STREET EXTENSION.		
		Rainforth Street.		
1	Corporation property.			
2	Land - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Patrick Stevens, Thomas Gaff, Sarah Buck, Anthony Fox, Patrick Cruise, Catherine Quinn, William McLoughlin, Thomas Melea, Michael Holloran, Owen Sheeran, John Garner, Michael Stevens, Thomas Clark, Ann Kelley, Mary Farrally, Sabina Wade, Thomas Todd, and Mary Dempsy.
3	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Patrick Stevens.
4	House - - -	Francis McCormick -	- - - -	Thomas Gaff.
5	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Sarah Buck.
6	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Anthony Fox.
7	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Patrick Cruise.
8	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Catherine Quinn.
9	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	William McLoughlin.
10	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Thomas Melea.
11	House - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Michael Halloran.
12	House - - - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Owen Sheeran.
13	House and cellar - -	Charles Johnson, Francis McCormick.	Francis McCormick -	John Garner and Michael Stevens.
		School Hill.		
14	House and cellar - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Thomas Clark and Ann Kelly.
15	House and cellar - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Mary Farrally and Sabine Wade.
[illegible]	House and cellar - -	Charles Johnson, Francis McCormick.	Francis McCormick -	Thomas Todd and Mary Dempsey.

No. on Plan 10.				
		PART 10.—BATH STREET IMPROVEMENT.		
1	Timber yard - -	Peter Ainsworth, Sarah Latham.	Sarah Latham - -	John Ridyard.

No. on Plan 10	Description of Property.	Owners.	Lessees.	Occupiers.
2	Timber yard - - -	Peter Ainsworth, Daniel Flitcroft.	Daniel Flitcroft - -	Daniel Flitcroft.
1a	Shed - - -	Peter Ainsworth, Sarah Latham.	Sarah Latham - -	Alice Howarth.

PART 11.—MARKET EXTENSION.

No. on Plan 11.	Description of Property.	Owners.	Lessees.	Occupiers.
	Great Moor Street.			
1	Smithy - - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Thomas Holden.
2	Passage - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Thomas Holden.
3	House, outbuildings, and yard.	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Thomas Holden.
4	House, outbuildings, and yard.	Gerrard Pendlebury, Betsey Dickinson.	Betsey Dickinson -	Betsey Dickinson.
5	House outbuildings, and yard.	Gerrard Pendlebury -	Gerrard Pendlebury -	Thomas Lowe.
	Howell Croft.			
6	House, outbuildings, and yard.	Gerrard Pendlebury -	Gerrard Pendlebury -	Thomas Lowe.
7	House - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Margaret Dillon.
	Lowes Court.			
8	House - - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Frank Steward.
9	House - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Ann Brannan.
	Howell Croft.			
10	House - - - - -	Gerrard Pendlebury, Thomas Holden.	Thomas Holden - -	Bridget Coleman.
11	House, outbuildings, and yard.	Gerrard Pendlebury, William Grundy, and Roger Bromiley.	William Grundy and Roger Bromiley.	Michael Goggin.
12	House, outbuildings, and yard.	Gerrard Pendlebury, William Grundy, and Roger Bromiley.	William Grundy and Roger Bromiley.	Empty.
13 and 14	House, outbuildings, and yard.	John Carney - - -	- - - -	Empty.
15	House - - -	John Carney - -	- - - -	Empty.
	Back Howell Croft.			
16 and 17	House, outbuildings, and yard	John Carney - - -	- - - -	Richard Sullivan.

No. on Plan11	Description of Property.	Owners.	Lessees.	Occupiers.
		Howell Croft.		
18	House - - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	John Lowe.
		Back Howell Croft.		
19 and 20	House, outbuildings, and yard.	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	William Lomax.
21	House - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Major Eckersley.
		Howell Croft.		
22	House - - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Anthony Barrett.
		Back Howell Croft.		
23 and 24	House, outbuildings, and yard.	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Mary Entwistle.
		Howell Croft.		
25	House - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	John Woods.
		Back Howell Croft.		
26 and 27	House and yard - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Samuel Walkden.
28	House - - - -	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	John Bailey.
		Howell Croft.		
29 and 30	House, outbuildings, and yard.	Gerrard Pendlebury, Charles Crook.	Charles Crook - -	Thomas Brown.
31	House - - -	Gerrard Pendlebury, David Winder.	David Winder - -	John Eccles.
32 and 33	House and yard - -	Gerrard Pendlebury, David Winder.	David Winder - -	Patrick Garby.
		Back Howell Croft.		
34	Stable - - -	Gerrard Pendlebury, David Winder.	David Winder - -	David Winder.
		Howell Croft.		
35	House and yard - -	Gerrard Pendlebury, David Winder.	David Winder - -	Patrick Collins.
		Ashburner Street.		
36	Warehouse - -	Gerrard Pendlebury, David Winder.	David Winder - -	David Winder.

A.D. 1871.

BOLTON.

Provisional Order for extending the borrowing Powers of the Bolton Local Board of Health.

Whereas the Town Council, acting as the Local Board of Health for the borough of Bolton in the county of Lancaster, proposes to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the outfall of the sewage of their district and for street improvements, and the said board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, and the Local Government Act, 1858, Amendment Act, 1861, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the borough of Bolton in the county of Lancaster shall have power to borrow for the execution of works for the purposes aforesaid, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this twenty-fourth day of June one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

A.D. 1871.

BURTON-UPON-TRENT.

Provisional Order for the Alteration of the Town of Burton-upon Trent Act, 1853, *in force within the District of the Burton-upon-Trent Local Board.*

WHEREAS the Commissioners acting in execution of a certain Local Act of Parliament passed in the sixteenth and seventeenth years of the reign of Her Majesty Queen Victoria (cap. 118), intituled "An Act for more effectually "improving the Town of Burton-upon-Trent, in the County of Stafford," have duly adopted the Local Government Act, 1858, in and for the said town of Burton-upon-Trent:

And whereas the said Commissioners have, under the powers of the said Local Act, section 32, taken and now hold a lease from the lord of the manor of the market held within the said town, and of tolls taken within the same, or at any fair, or at any other time within the said town, and are now in negociation with the owner of such market and tolls for the absolute purchase thereof:

And whereas, in the event of such purchase being completed, it is expedient that the Commissioners should be empowered to frame a new table of tolls, to be approved by one of Her Majesty's Principal Secretaries of State, and to improve and regulate, in other respects authorized by the Local Government Act, the said market and fairs, and to this end that the parts hereunder specified of the said Local Act should be altered as herein-after provided:

And whereas the said Commissioners acting as a Local Board under and for the purposes of the Local Government Act have, in pursuance of the said Act, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for such alteration of the said Local Act, being an Act in force within the said district having relation to the purposes of the Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals, for their own pecuniary benefit, and for other purposes in such petition set forth:

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said district by Arnold Taylor, Esquire, the inspector appointed for such purpose, in respect of the several matters mentioned in the said petition:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, and in pursuance of the powers vested in me by the Local Government Act, 1858, do, by this Provisional Order under my hand, direct—

That from and after the passing of any Act of Parliament confirming this Order,—

1. So much of the 33rd section of the said Local Act as empowers the Commissioners to collect and receive the usual and accustomed tolls apper-

taining to such market as they think proper shall be repealed; and in lieu thereof be it enacted, that the said Commissioners shall be empowered to exercise within the said district all the powers conferred by the 50th section of the Local Government Act, 1858, as if the consent of the owners and ratepayers to such exercise had been expressed by resolution in the manner therein provided. But no notice of opening, or certificate of fitness of the present market place adjoining the High Street, and in Abbey Street, under the incorporated provisions of the Markets and Fairs Clauses Act, 1847, shall be requisite.

2. In the exercise of such powers, and in the carrying into effect of the said 50th section in the said district, fairs shall be included with markets, and the said section shall be read as if fairs were included with markets in the operation thereof.

3. The 50th section of the Local Government Act, and the thereby incorporated provisions of the Markets and Fairs Clauses Act, 1847, as well as those already incorporated by the said Local Act, shall apply to the maintenance, removal, regulation, and improvement of such market (and fairs as included therewith) when purchased by the Commissioners, and shall authorise the Commissioners to take down and remove the existing erections of such market, and to purchase land for enlarging the present market-place adjoining the High Street, and for a new market place or places for cattle, separate and apart from the High Street Market, when the present site now used for a cattle market in Abbey Street shall be abandoned, and to prohibit the sale of cattle in the High Street Market.

4. Such purchase of the existing markets, fairs, and tolls, and the purchase of land as aforesaid, and the erection of market buildings and conveniences thereon, and making approaches thereto, and otherwise appertaining thereunto, shall be deemed purposes for which money may be borrowed by the Commissioners as a Local Board under the provisions of the Local Government Act, either on the rates of the district, or on tolls and profits of the said markets and fairs.

5. The making of a new table of stallages, rents, and tolls by the Commissioners for cattle, articles, and things brought into the market place or places, house or houses, and at fairs in the district, as well as for weighing and measuring, and to be specified in such table, shall be authorised, as also the changing or varying of the stallages, rents, and tolls from time to time, in like manner, and with the like approval as if the same were a new market established under the said Local Government Act.

6. As regards the allowance of any byelaws which the Commissioners may make from time to time, the Local Government Act, 1858, shall be deemed the special Act within the meaning of the said Markets and Fairs Clauses Act, 1847.

7. Provided always, that until such purchase as aforesaid be completed the provisions of the Local Act applicable to markets, fairs, and tolls shall continue in force; and that after such purchase the usual and accustomed tolls appertaining to the market and fairs purchased shall still

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be collected, received, and recovered by the Commissioners, until the new table of stallages, rents, and tolls be framed and approved, in pursuance of the said Local Government Act and this Order.

8. In their application to markets, fairs, and tolls the said Local Act shall be construed with the said Local Government Act.

9. Stallages, rents, and tolls payable after such new table is approved in manner aforesaid shall be recoverable by distress and sale of the cattle or articles liable to toll, or being in the market or fair in the possession or under the charge of the person liable to pay the toll. And such sale shall take place as soon as conveniently may be after four days from the day of distraining; and the reasonable charges of seizure, detention, maintaining, and sale shall be added to the amount demandable, and be recovered therewith accordingly.

Given under my hand, this seventeenth day of June in the year one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

CHIPPENHAM.

Provisional Order for the Alteration and partial Repeal of a Local Act, for lighting, watching, cleansing, paving, and otherwise improving the town of Chippenham in the county of Wilts, in force within the district of the Chippenham Local Board.

Whereas the Commissioners acting in execution of a certain Local Act of Parliament passed in the fourth year of the reign of His late Majesty King William the Fourth, intituled "An Act for lighting, watching, cleansing, paving, "and otherwise improving the town of Chippenham in the county of Wilts," have duly adopted the Local Government Act, 1858, within and for the boundaries and limits of the district under their jurisdiction:

And whereas the said Commissioners have, in pursuance of the said Act, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of the said Local Act, being an Act in force within the said district having relation to the purposes of the Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals, for their own pecuniary benefit:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, and in pursuance of the powers vested in me by the Local Government Act, 1858, do, by this Provisional Order under my hand, direct,— A.D. 1871.

That from and after the passing of any Act of Parliament confirming this Order,—

1. The said Local Act shall be repealed, except the sections numbered respectively 39, 40, 41, 42, 44, 45, 49, 52, 53, 54, 56, 57, 61, 65, 80, 91, 94, 96, 97, 98, 100, 109, 110, 111.

2. Wherever in the sections aforesaid the words "justices of the peace for the county of Wilts" occur, they shall be altered by the substitution for those words of the words "any justice or justices of the peace."

3. No rate shall be levied for payment of any instalment of principal or interest of any debt now due from the Commissioners acting in execution of the said Local Act for works of paving, executed under the powers of the said Act, on property in any part of the district not now liable to be rated for payment of such debt.

4. All the provisions of the said Act of the fourth year of the reign of King William the Fourth, so far as they have relation to any loan or loans, or sum or sums of money, borrowed by the said Commissioners under the powers of the said Act, and now remaining unpaid, and to the transfers of securities for the same, the recovery of principal and interest on such loan or loans, sum or sums of money, or otherwise, in any way having relation to the borrowing powers of the said Commissioners, but so far only as the same shall be applicable to any part of the loan or loans already raised, or sum or sums of money already borrowed by the said Commissioners, and to any rates which shall have been made by the said Commissioners at the date of the confirmation of this Order by Parliament and the arrears of such rates remaining to be collected, or to the making of rates to be applied in the redemption of the said loan, and the interest thereon, shall continue in full force and effect, notwithstanding anything contained in this Order, until the said loan and interest has been paid and liquidated by the said Local Board, and until all arrears of rates as aforesaid shall have been paid and collected, and all the powers given by the said Act with regard to the levying of rates shall be exercised by the said Local Board in the levying a special rate on the owners of property within the said district which is now chargeable with the repayment of the said loan and interest; and the words "*Chippenham Local Board*" shall be substituted for the word "*Commissioners*" whenever the same occurs in any of the sections of the said Act having relation to the borrowing powers of the said Commissioners and to the making, levying, and recovery of rates.

5. There shall be paid out of the first moneys borrowed, or the first rates levied by the said Commissioners for the purposes of sewerage, to the sewer authority of the parish of Langley Burrell in the county of Wilts, by the said Commissioners acting as a Local Board, the sum of

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188*l.* 12*s.* 4*d.*, being the balance of the cost of a sewer constructed by the said sewer authority within the district of the said Local Board, as described in the schedule to this Order.

6. The said Local Board shall consist of the following ratepayers, who are now the Commissioners in execution of the said Local Act, viz.:— Broome Pinniger, William Henry Rixson, James Hancock Brinkworth, John Wilson, M.A., Jacob Phillips, George Noyes, John Noyes, Alfred John Keary, Rev. John Rich, William Belcher, Charles James Dowding, James Wharry, Stephen Gatward Ross, William Austin, and Thomas Mills.

7. Within one calendar month from the date of the confirmation of this Order, one third of the said Local Board shall retire by ballot, or by voluntary resignation, and the vacancies so caused shall be filled by election in the manner prescribed by the Local Government Act for the election of a Local Board; and the remaining members of the Commissioners shall retire in like manner in the two following years.

Given under my hand, this thirteenth day of July one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

Schedule referred to in the preceding Order.

Description of the Boundaries of the Chippenham District.

The boundaries of the district commence (as shown on the accompanying plan) at the point A (at the north bank of the river, and near the east corner of field No. 595), and passes thence along the east side of the said field No. 595 to the point B, on the road leading from Chippenham to Calne; thence along the south side of the said field No. 595 to the point C; thence across the said road, southward, along the east side of field No. 599, to the point D; thence along the south side of the said field No. 599, to a lamp post at point E; thence along the westerly fence of field No. 605 to the point F; thence along the south fence of field No. 604 a, and including it, across the canal, along the southern fence of field No. 549, and including it, to the western bank of the river, to the point G; thence along the western bank of the river to the point H; thence along the western bank of a branch of the same river, and across and including it, to the point I, near a lamp post situate on the road from Chippenham to Bath; thence across the said road, along the east side of fields Nos. 500, 490 a, and 490 b, crossing the Great Western Railway, to the point J, at the east corner of field No. 473; thence along the west bank of the brook flowing on the east side of field No. 474 to the point K; thence in a northerly direction, along a fence on the east side of field No. 455, crossing the road from Chippenham to Marshfield, to the point L; thence down the northern side of the road to the point M, at the south-west corner of field

No. 454; thence along the west and north side of field No. 454, and including it and the north-west side of fields No. 452, 447, and 440, and including them, to the point N, at the lamp post situate on the road from Chippenham to Malmesbury, crossing the said road on the north side of fields Nos. 723, 722, and 415, and including them, (and running along the southern fence boundary of the private road situate on the north side of fields No. 722 and 415,) to the point O, near a lamp post on the road leading from Chippenham to Langley, crossing the said road, along the northern fence of field No. 719, along the northern and eastern fence of field No. 719, and including it, and continuing along the eastern side of field No. 717, and including it, to the point P; thence across the Great Western Railway in a southerly direction to the point Q; thence in an easterly direction, along and including the northern bank of the river, to the starting point at A; thus completing the boundaries of the district of the Chippenham Local Board. A.D. 1871.

CHISWICK.

Provisional Order empowering the Chiswick Local Improvement Commissioners to put in force the Lands Clauses Consolidation Acts, for the Purchase of Lands by the said Commissioners for Main Sewerage and Sewage Outfall.

Whereas the Improvement Commissioners in and for the parish of Chiswick, in the county of Middlesex, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Commissioners, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Acts, to enable the aforesaid Commissioners to purchase certain pieces of land, hereditaments, and premises, for the purpose of Main Sewerage and Sewage Outfall:

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land, hereditaments, and premises, intended to be taken by such Commissioners for such purposes as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands, hereditaments, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Commissioners; and such petition prayed that the said Commissioners might, with reference to such lands, hereditaments, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Acts aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Ma-

A.D. 1871. jesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esquire, the Inspector appointed for the purpose, to visit the said parish, and the said Inspector has now inquired in the parish aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Improvement Commissioners for the parish of Chiswick in the county of Middlesex shall be empowered to put in force, with reference to the land, hereditaments, and premises referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement for the purpose herein-before set forth.

Given under my hand, this sixth day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

The SCHEDULE referred to in the foregoing Order.

The pieces of Lands, Hereditaments, and Premises proposed to be taken are the following, and the numbers in Column 1 refer to those on the Plan accompanying the Petition of the aforesaid Improvement Commissioners.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees.	Occupiers.
1	Stone steps in front of "Bell and Crown" public-house.	John Bird Fuller, Henry Smith, and John Turner.	- - -	William Marshall.
2	Stone steps opposite Zachery House.	—— Woodin - -	- - -	Richard Arundell.
3	Stone steps opposite Springfield House.	Horace Charles Lloyd -	- - -	Richard Kelly.
4	Stone steps opposite private house in occupation of Mr. Draper.	R. Hall - - -	- - -	William Draper.
5	Stone steps opposite "Ship" inn yard.	William Thrale Sich, Francis Sich, and Arthur Sich.	- - -	Edna Harridine.
6	Stone steps opposite private house in occupation of Mrs. Fenton.	W. Clayton - -	- - -	Frances Louisa Fenton.
7	Crane platform and steps -	F. C. Childs - -	Conservators of the River Thames.	Conservators of the River Thames

No. on Plan.	Description.	Owners or reputed Owners.	Lessees.	Occupiers.
8	Wooden steps in front of premises in occupation of Messrs. Talbot.	Mrs. Treagle - -	- - -	Robert Talbot and John William Talbot.
9	Stone steps opposite premises in occupation of Mr. Jeffreys.	William Jeffreys - -	- - -	William Jeffreys.
10	Wooden platform in front of premises in occupation of James Richardson.	Sarah Feesey - -	Messrs. Carrington and Company.	James Richardson.
10a	Land under the railway bridge over River Thames.	Conservators of the River Thames, London and South Western Railway Company.	- - -	London and South Western Railway Company.
11	Stone steps opposite "Bull's Head."	The executors of the late Henry Sich.	William Thrale Sich, Francis Sich, and Arthur Sich.	John Milross.
12	Steps facing passage nearest to Mr. Ramsay's House.	Chiswick Improvement Commissioners.	- - -	Chiswick Improvement Commissioners.
13	Stone steps opposite premises in occupation of D. A. Ramsay.	Elizabeth Atkyns - -	David Allen Ramsay -	David Allen Ramsay.
14	Public road and level crossing near Chiswick Station.	Chiswick Improvement Commissioners, London and South Western Railway Company.	- - -	London and South Western Railway Company.
15	Pasture land known as the Avenue.	His Grace the Duke of Devonshire.	- - -	Frederick Tappenden.
16	Pasture land known as Corney Mead.	The same - -	- - -	The executors of George Chapman.
17	House, stables, sheds, and lands.	The same - - -	- - -	The same.
18	Private road - -	The same - -	- - -	The same.
19	Land and premises - -	The same - - -	- - -	Elizabeth Anstiss.
20	Land and premises -	The same - -	- - -	The same.
21	Foreshore of the River Thames at Strand-on-the-Green.	Conservators of the River Thames.	——	——
22	Foreshore of the River Thames facing premises in occupation of executors of George Chapman.	The same.	——	——

A.D. 1871.

DERBY.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Derby Local Board of Health, for the Purchase of Lands by the said Board for Improvement of St. Peter's Street.

WHEREAS the mayor, aldermen, and burgesses of the borough of Derby in the county of Derby, by the council of the said borough acting as the Local Board of Health in and for the said borough, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land and premises for the purpose of widening, altering, and improving a certain street within the aforesaid borough, that is to say, Saint Peter's Street:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land and premises intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land and premises who have assented, dissented, and are neuter in respect of the taking such pieces of land and premises, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such land and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esq., C.E., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The aforesaid Local Board of Health for the district of Derby shall be empowered to put in force, with reference to the lands and premises referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein-before set forth and described.

Given under my hand, this sixth day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Land and Premises proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description of Premises.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
	Eastern Side of St. Peter's Street.			
1	Shop and printing offices, with rooms over and over passage; also ashes-pit and outhouse fronting the yard of late "Nag's Head" inn.	Mary Thornton -	- - -	Leonard Brookes.
2	Cottage and room over, in yard.	Leonard Brookes -	- - -	Leonard Brookes.
2a	Passage, back way to "The Anchor" and other premises (right of way).	Thomas Boden Forman, Leonard Brookes.	- - -	Robert Blunt, Leonard Brookes.
3	"The Anchor" inn, house, brewhouse, yard, and outbuildings.	Thomas Boden Forman.	- - -	Robert Blunt.
4	House, shop, yard, passage, bakehouse, and outbuildings.	Edward Johnson -	- - -	John Watson.
5	House, shop, yard, passage, and outbuildings.	Edward Johnson -	- - -	William Kirk.
6	House, shop, yard, and outbuildings.	Edward Johnson -	- - -	Lucy Anne Prince.
7	House, shop, workshops, yard, and outbuildings.	Robert Seal - -	Edward Johnson.	Edward Johnson.
8	House, shop, yard, and outbuildings, with right of passage and yard.	Emma Shemwell, John Henry Lovatt.	- - -	Eliza Bower.
9	House, shop, workshops, and right of passage and yard.	William Kirby, as trustee of the late William Kirby the elder, deceased.	- - -	William Kirby.
10	House, shop, outbuildings, and right of passage and yard.	John Tempest Morley	- - -	Bryan Barnes.

No. on Plan.	Description of Premises.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
11	"Durham Ox" inn, house, stabling, outbuildings, and right of passage and yard.	John Tempest Morley	- - -	Bryan Barnes, John Warwick.
12	House, shop, warehouse, outbuildings, and right of passage and yard.	John Tempest Morley	- - -	Robert Milne.
	WESTERN SIDE OF ST. PETER'S STREET.			
13	House, shop, workshop, and yard.	William Richardson	- - -	Joseph Jennings.
14	Warehouse - -	William Richardson	- - -	Joseph Jennings, William Kirby.
15	Long passage to houses and yard (right of way).	William Large, Alfred Clarke, William Richardson.	—	—
16	Shops - - -	Alfred Clarke -	- - -	Alfred Clarke.
17	House and shop -	Alfred Clarke -	- - -	Samuel Bloor.
18	Portion of graveyard -	The vicar and churchwardens of St. Peter's parish, and trustees of the church.	- - -	The vicar and churchwardens of St. Peter, and trustees of the church.
19	St. Peter's churchyard (right of way to premises).	George Gascoyne, John Allen, Hannah Jackson, Elizabeth Moore, James Shackleton.	—	—
20	House, shop, show rooms, and outbuildings.	James Shackleton -	- - -	James Shackleton.
21	"Green Man" passage (right of way to premises).	James Shackleton, Elizabeth Moore, executor of late JamesHollingworth, (Thomas Hollis).	—	—
22	House, shop, and outbuildings	Executor of late JamesHollingworth.	- - -	John Smithard.
23	House, shop, and outbuildings.	Executor of late JamesHollingworth.	- - -	Sarah Anne Smithard, Charlotte Jane Smithard.

A.D. 1871.

HARROGATE.

Provisional Order empowering the Harrogate Local Board to put in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the said Board for the Storage of Mineral Waters.

Whereas the Improvement Commissioners acting as the Local Board in and for the district of High and Low Harrogate, in the county of York, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Commissioners and Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for the storage of mineral waters:

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such Board for such purposes as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of High and Low Harrogate, in the county of York, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purposes herein-before set forth.

Given under my hand, this sixth day of June, one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

The SCHEDULE referred to in the foregoing Order.

The Lands, Buildings, and Premises proposed to be taken for the purposes set forth in the preceding Order are the following. The figures in the first column refer to those on the plan accompanying the petition of the aforesaid Local Board.

No. on Plan.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
57	Part of a garden plot.	Charles Brunton	-	John Render.
58	Detached part of Stray.	William Sheepshanks, Thomas Sheepshanks, George Barber Paley, R. S. Paley, and John Dury, trustees of the late John Green Paley, Emma Bayley, Surrey Edward Samuel Carpenter, and Edward Trewbody Carlyon, trustees of Mrs. —— Cookworthy, John Sotheran, George Sotheran, Basil Thomas Woodd, Charles Woodd, Robert Ballard Woodd, Elizabeth Bower, Joshua Bower, Thomas Bower, John Richard Bower, and Robert William Bower, devisees in trust and executors of the late Joshua Bower, William Watson, Joseph Holt, The Baroness de Bois de Ferriere, Elizabeth Mary Ann Emmatt, Stephen Bradley, junior, Thomas Allanson Benson, Sarah Carter, Leonora Carter, Arabella Carter, Rebecca Ann Carter, Richard Carter, Ann, wife of Thomas Wilkinson, Joshua Hardisty Wilkinson, John Harrison, Thomas Gascoigne, Elizabeth Lupton.	—	—
89	Grass field, exhausted quarries, and watercourse.	William Seaman Vawdrey	-	William Seaman Vawdrey and Joseph Morritt.

No. on Plan.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
90	Grass field, exhausted quarry, footpath, and watercourse.	William Seaman Vawdrey -	- - -	William Seaman Vawdrey and Joseph Morrit.
91	Garden plot, grass field, buildings, and watercourse.	Charles Brunton - -	- - -	James Roberts.
93	Grass field and watercourse.	Thomas Collins - -	- - -	John Layfield.
95	Part of Stray of 200 acres, known by the name of the "Bog Field," public footpaths, carriage road, and watercourse.	William Sheepshanks, Thomas Sheepshanks, George Barber Paley, R. S. Paley, and John Dury, trustees of the late John Green Paley, Emma Bayley, Surrey Edward Samuel Carpenter, and Edward Trewbody Carlyon, trustees of Mrs. —— Cookworthy, John Sotheran, George Sotheran, Basil Thomas Woodd, Charles Woodd, Robert Ballard Woodd, Elizabeth Bower, Joshua Bower, Thomas Bower, John Richard Bower, and Robert Willlam Bower, devisees in trust and executors of the late Joshua Bower, William Watson, Joseph Holt, The Baroness de Bois de Ferriere. Elizabeth Emmatt and Mary Ann Emmatt, Stephen Bradley, junior, Thomas Allanson Benson, Sarah Carter, Leonora Carter, Arabella Carter, Rebecca Ann Carter, Richard Carter, Ann, wife of Thomas Wilkinson, Joshua Hardisty Wilkinson, John Harrison, Thomas Gascoigne, Elizabeth Lupton.	- - -	James Roberts.

A.D. 1871.

HARROGATE.

Provisional Order for altering the Boundaries of the District of the Harrogate Improvement Commissioners, in the County of York, under the Provisions of the Local Government Act, 1858.

WHEREAS petitions have been duly presented to me, as one of Her Majesty's Principal Secretaries of State, under the provisions of the 77th section of the Local Government Act, 1858, by the Improvement Commissioners, acting as the Local Board in and for the district of High and Low Harrogate, in the county of York, praying for an alteration of the existing boundary of the said district, as set forth in such petitions and shown on the plan accompanying such petitions and coloured pink on such plan:

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the matters mentioned in the said petitions, and report has been duly made to me thereon by Robert Morgan, Esquire, the Inspector appointed by me for such purpose:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct—

That from and after the passing of any Act of Parliament confirming this Order—

1. The district of the Harrogate Improvement Commissioners, in the county of York, shall be altered by there being added thereto the lands called "West End Park," consisting of six fields in the townships of Knaresboro', Scriven with Tentergate and Pannal, all in the parish of Knaresbro' and Pannal, and numbered 4, 9, 1018, 1019, 1020, and 1023 on the several township plans, bounded on the north and east by the Harrogate Improvement district, on the south by a public footpath leading from the Leeds turnpike road to Green Lane, and on the west by land belonging to Mr. Joshua Wright.

2. At every election of the Commissioners of the district of High and Low Harrogate aforesaid which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the Harrogate Improvement district as altered by this Order, and by the votes of owners of and ratepayers in respect of property situate within the district so altered as aforesaid.

Given under my hand, this sixth day of June in the year one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

HARROGATE.

Provisional Order for extending the borrowing Powers of the Harrogate Improvement Commissioners, acting as the Local Board for the district of High and Low Harrogate.

Whereas the Harrogate Improvement Commissioners, acting as the Local Board for the district of High and Low Harrogate in the county of York, propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the sanitary improvement of their district; and the said board have petitioned me, as one of Her Majesty's Principal Secretaries of State, to repeal and alter so much of the 12th clause of the Provisional Order of the 9th day of June 1866 as limits the borrowing powers of the said commissioners to 30,000*l.*, and to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has already been sanctioned under the Harrogate Improvement Act, 1841, and the Local Government Act, 1858, shall not exceed in the whole the assessable value of the premises assessable under the said Act within the said district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

So much of the section numbered 12 in the Provisional Order of the 9th day of June 1868 as limits the borrowing power of the Harrogate Commissioners, acting as the Local Board for the district of High and Low Harrogate, to 30,000*l.* shall be repealed, and in lieu thereof the said Commissioners shall have power to borrow up to the limit of the assessable value of the district at the date of the aforesaid petition, being thirty-six thousand six hundred and twenty-six pounds.

Given under my hand, this ninth day of July one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

A.D. 1871.

KIDDERMINSTER.

Provisional Order empowering the Kidderminster Local Board to put in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the said Board for Sewage Irrigation purposes.

Whereas the Town Council, acting as the Local Board in and for the district of the borough of Kidderminster, in the county of Worcester, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board of Health, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for the utilization of sewage by irrigation without their district:

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such board for such purposes, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of the borough of Kidderminster, in the county of Worcester, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purposes herein-before set forth.

Given under my hand, this thirteenth day of June one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

The SCHEDULE referred to in the foregoing Order.

The Lands, Buildings, and Premises proposed to be taken far the purposes set forth in the preceding Order are the following. The figures in the first column refer to those on the plan accompanying the Petition of the aforesaid Local Board.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
	PARISH OF KIDDERMINSTER BOROUGH.			
1	Meadow called Finger Post Meadow (part of), containing 1 rood or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Thomas Lea.
	PARISH OF KIDDERMINSTER FOREIGN.			
2	Back Brook - -	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	William Earl of Dudley, Isaac Hampton.
3	Field and private road to Carpet Mills, containing 240 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Isaac Hampton - -	Isaac Hampton.
4	Field (part of), containing 1660 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin.
5	Field (part of), containing 1600 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin.
6	Field (part of), containing 1800 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin.
7	Field (part of), containing 2050 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin -	Edward Austin.
8	River Stour below Falling Sands Weir.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Messrs. Thompson, Hatton, and Morgan.
9	Field (part of), containing 1420 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin.
10	Private road to Rolling Mills, Falling Sands, containing 130 square yards or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Messrs. Thompson, Hatton, and Morgan.	Messrs. Thompson, Hatton, and Morgan.
11	Field (part of), containing 3 acres or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Edward Austin - -	Edward Austin.
12	Hoo Brook - - -	- - - -	- - - -	
13	Field, containing 12½ acres or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	George Laight.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
		PARISH OF STONE.		
14	Field and boundary between parishes of Kidderminster Foreign and Stone, containing 70 A. 3 R. 30 P. or thereabouts.	Margaret Anne Bernard, Emma Katharina Baker, Caroline Sarah Baker, Charles Bernard, Thomas Barwick Lloyd Baker, Slade Baker, Thomas De Haney Bernard.	Edward Henry Crowther -	Edward Henry Crowther.
		PARISH OF HARTLEBURY.		
15	Field and boundary between parishes of Stone and Hartlebury containing 2 A. 1 R. 8 P. or thereabouts.	Elizabeth Chellingworth, Thomas Parry.	Samuel Griffin - -	Samuel Griffin, Samuel Cooper.
16	Field, containing 6 acres or thereabouts.	Thomas Banks - -	- - - -	Joseph Turley.
17	Dole Meadow, containing 13 A. 3 R. 29 P. or thereabouts.	Ann Williams -	George Griffin - -	Samuel Cooper.
		Thomas Wheeler -	- - - -	Joseph Cook.
		Mrs. Underwood -	- - - -	Samuel Cooper.
		Elizabeth Chellingworth -	- - - -	Samuel Cooper.
		Governors of Hartlebury School.	- - - -	Joseph Moule.
		Jane Lewis - -	Thomas Wheeler -	Joseph Cook.
18	Field called the Marsh, with house and buildings, containing 3 acres or thereabouts.	Thomas Banks - -	- - - -	Joseph Turley.
19	Field called the Marsh, containing 3 A. 1 R. 2 P. or thereabouts.	Thomas Wheeler -	- - - -	Joseph Turley.
20	Field called the Marsh, containing 3 A. 0 R. 2 P. or thereabouts.	Ecclesiastical Commissioners for England.	- - - -	Herbert Henry Griffin.
22	Field called the Hither Marsh, containing 6 A. 2 R. 8 P. or thereabouts.	Ecclesiastical Commissioners for England.	- - - -	Herbert Henry Griffin.
23	Field called the Further Marsh, containing 3 A. 1 R. 23 P. or thereabouts.	Ecclesiastical Commissioners for England.	- - - -	Herbert Henry Griffin.
24	Field called Marsh Meadow, containing 1 A. 2 R. 2 P. or thereabouts.	Thomas Winwood -	- - - -	Thomas Williams.
25	Field called Upper and Lower Marsh, containing 4 A. 3 R. 34 P. or thereabouts.	Sarah Martin - -	- - - -	Samuel Cooper.
26	Field called Sylvester Marsh, containing 2 A. 2 R. 4 P. or thereabouts.	Ecclesiastical Commissioners for England.	- - - -	Herbert Henry Griffin.
27	Field called Bedwell's Coppice, containing 2A. 1 R. 18 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	Ann Hill - - -	William Newman, James Williams.
28	River Stour - -	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Messrs. E. P. and W. Baldwin.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
29	Field called Lay Field, containing 6 A. 0 R. 16 P.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
30	Fields called Grandfather's Pleck, Ell Meadow, Lay Field, containing 16 A. 1 R. 28 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
31	Road from Wildon to Oldington Bridge.	Surveyors of Highways of the Parish of Hartlebury.		
32	Field called Hammerman's Moore, containing 7 acres or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
33	Meadow containing 9 A. 3 R. 25 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
34	Old River Stour.			
35	Old River Stour.			
36	Field called Mitton Meadow, containing 14 A. 2 R. 28 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
37	Field, containing 3 A. 3 R. 15 P. or thereabouts.	William Talbot - -	- - - -	John Field and Edward Field.
38	Field, containing 4 A. 1 R. 13 P. or thereabouts.	Thomas Lea - -	- - - -	William Mann.
39	Field, containing 15 A. 2 R. 28 P. or thereabouts.	William Talbot - -	- - - -	John Field and Edward Field.
40	Field, containing 2 A. 2 R. 24 P. or thereabouts.	Thomas Lea - -	- - - -	William Mann.
41	River Stour below Wildon Iron Works.			
	PARISH OF KIDDERMINSTER FOREIGN.			
42	Field, containing 9 A. 1 R. 11 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	George Laight.
43	Field, containing 7 A. 3 R. 6 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
44	Field, containing 7 A. 1 R. 1 P.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Humphrey Laight.
45	Garden, 1 rood - -	William Earl of Dudley, Thomas Legh Claughton, and David Melville.		
46	Road from Wildon to Oldington Bridge.	The Kidderminster District Highway Board.		
47	Old River Stour -	William Earl of Dudley, Thomas Legh Claughton, and David Melville.		

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
48	Field, containing 18 A. 0 R. 19 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
49	Field, containing 12 A. 1 R. 24 P. or thereabouts.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.
50	Field, containing 7 A. 2 R. 10 P.	William Earl of Dudley, Thomas Legh Claughton, and David Melville.	- - - -	Ann Hill.

KIDDERMINSTER.

Provisional Order for extending the borrowing Powers of the Kidderminster Local Board.

Whereas the Town Council, acting as the Local Board for the district of the borough of Kidderminster, in the county of Worcester, propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the utilization of the sewage of their district, and the said Board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has already been sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board for the district of the borough of Kidderminster, in the county of Worcester, shall have power to borrow for the execution and completion of works for the purpose aforesaid and other works of a permanent nature, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans

already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof. A.D. 1871.

Given under my hand, this thirteenth day of June, one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

MERTHYR TYDFIL.

Provisional Order for extending the borrowing Powers of the Merthyr Tydfil Local Board of Health.

Whereas the Local Board of Health for the district of Merthyr Tydfil in the county of Glamorgan propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the sewerage of their district, and the said board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, and the Local Government Act, 1858, Amendment Act, 1861, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the district of Merthyr Tydfil in the county of Glamorgan shall have power to borrow for the execution of works for the purposes aforesaid, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this sixth day of July one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

NORTHAM.

Provisional Order empowering the Northam Local Board to put in force the Lands Clauses Consolidation Act, 1845, *for the Purchase of Lands by the said Board for Sewage Outfall Works.*

Whereas the Local Board of Health in and for the district of Northam, in the county of Devon, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board of Health, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land for Sewage Outfall Works.

And whereas the said petition duly set forth in the schedule annexed thereto the several pieces of land intended to be taken by such board for such purposes, as shown in the plan accompanying such petition, and the names of the owners, lesses, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of Northam in the county of Devon shall be empowered to put in force, with reference to the land referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purposes herein-before set forth.

Given under my hand this sixth day of June one thousand eight hundred and seventy.

(Signed) H A. Bruce.

SCHEDULE referred to in the foregoing Order.

The PIECES of LAND proposed to be taken are the following, and the numbers in column one refer to those on the plan accompanying the petition aforesaid.

No. on Plan.	Description.	Owner.	Lessee.	Occupier.
1	Public highway - -	Charles Joseph Thrupp, Esquire, Commodore, William Montagu Dowell, Captain John Pyke, R.N.	- - -	Northam Local Board, as surveyors of the highways.
2	Occupation road or way -	Charles Joseph Thrupp, Esquire, Commodore William Montagu Dowell, Captain John Pyke, R.N.	George Mill, Frederick Molesworth, Esquire.	Edward James Willmott.
3	Occupation road or way -	Northam Burrows Hotel and Villas Company (Limited).	Edward James Willmott.	Edward James Willmott, Thomas Wrey, and Paul Gardner.
4	Occupation road or way -	Northam Burrows Hotel and Villas Company (Limited).	Thomas Burnard Chanter, Esquire, Lieutenant Colonel Frederick James Laggart Hutchinson, George Mill, Frederick Molesworth.	Northam Burrows Hotel and Villas Company (Limited), William Hodges, Lieutenant Colonel Frederick James Taggart Hutchinson, James Murray, Caleb Row.
5	Public highway - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).
6	Pasture land - -	The same - - -	- - -	The same.
7	Occupation road - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).
8	Pasture land - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).
9	Occupation road - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).
10	Pasture land - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).
11	Pasture land - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).
12	Pasture land - -	Robert Prior and Richard Cornelius Prior, Richard Way, and Jonathan Henderson.	- - -	Robert Prior and Richard Cornelius Prior, Richard Way, and Jonathan Henderson.
13	Pasture land - -	Northam Burrows Hotel and Villas Company (Limited).	- - -	Northam Burrows Hotel and Villas Company (Limited).

No. on Plan.	Description.	Owner.	Lessee.	Occupier.
14	Pasture land - -	Robert Prior and Richard Cornelius Prior, Jonathan Mill, George Short, and James Daniel.	- - -	Robert Prior and Richard Cornelius Prior, Jonathan Mill, George Short, James Daniel.
15	Common - - -	Margaret Caroline Cleveland, Thomas Burnard Chanter.	- - -	Inhabitants of the parish of Northam.
16	Arable land -	George Mill, Frederick Molesworth.	- - -	Thomas Warren.
17	Common - - -	Margaret Caroline Cleveland, Thomas Burnard Chanter.	- - -	Inhabitants of the parish of Northam.

RYDE.

Provisional Order for extending the borrowing Powers of the Ryde Local Board.

Whereas the mayor, aldermen, and burgesses of the borough of Ryde, in the Isle of Wight, in the county of Southampton, acting as the Local Board for the district of Ryde, propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for the drainage and water supply of their district; and the said Board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, and the nineteenth section of the Local Government Amendment Act, 1861, petitioned me, as one Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has already been sanctioned under the said Local Government Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board for the district of Ryde, in the county of Southampton, shall have power to borrow for the execution and completion of works for the purposes aforesaid and other works of a permanent nature, on mortgage of the rates leviable by the said Local Board under the afore-

said Local Government Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises under such Act within the aforesaid district; the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof. A.D. 1871.

Given under my hand, this fifth day of July one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

STROUD.

Provisional Order for extending the borrowing Powers of the Stroud Local Board of Health.

Whereas the Local Board of Health for the district of Stroud, in the county of Gloucester, propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for providing their district with a market and public slaughter-house; and the said Board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has already been sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the district of Stroud, in the county of Gloucester, shall have power to borrow for the execution and completion of works for the purpose aforesaid and other works of a permanent nature, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises under such Act within the aforesaid

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district; the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this fifth day of July one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

TROWBRIDGE.

Provisional Order repealing and altering a Local Act in force within the District of the Trowbridge Local Board.

WHEREAS the Local Board for the district of Trowbridge in the county of Wilts, being a district in which the Local Government Act, 1858, is in force, have, in pursuance of the said Act, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of and transfer of powers under a certain Local Act of Parliament in force within the said district having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals, for their own pecuniary benefit; that is to say,

An Act passed in the thirty-ninth year of the reign of King George the Third (39 Geo. 3. cap. 61.), intituled "An Act for paving the footways, and "for cleansing, lighting, and regulating the streets, lanes, and other public "passages and places within the town of Trowbridge in the county of Wilts, "and for removing and preventing nuisances, annoyances, and obstructions "therein:"

And whereas, in pursuance of the said Local Government Act, inquiry has been directed and made in the said district in respect of the several matters mentioned in the said petition, and report duly made to me thereon by Arnold Taylor, Esquire, the inspector appointed for the purpose:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

1. The herein-before recited Local Act shall be repealed, saving and excepting the sections thereof numbered 25, 26, 27, and 50.
2. All the powers, authorities, and duties of the Commissioners acting in execution of the said Local Act shall cease and determine; and all the powers, authorities and penalties under the unrepealed portions of the said recited Local Act, which in case this Order had not been made and confirmed would have belonged to such Commissioners, shall be transferred to and become vested in the Local Board aforesaid.

3. All the property and estate of the Commissioners acting in execution of the said Local Act shall be transferred to and become vested in the said Local Board, and shall, as near as circumstances will permit, be held by the said Local Board upon the same trusts and for the same purposes as by such Commissioners.

4. All debts, moneys, and securities for money contracted or payable by such Commissioners shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made; and shall be paid and satisfied by the said Local Board as by such Commissioners.

5. Provided always, that if such property and estate shall be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

6. So much of the said Local Act as is not hereby repealed shall extend and apply to the whole of the said district, and shall be incorporated with the Local Government Act as applied to the said district.

Given under my hand this sixth day of June in the year One thousand eight hundred and seventy.

(Signed) H. A. Bruce.

WORTHING.

Provisional Order for extending the borrowing Powers of the Worthing Local Board of Health.

Whereas the Local Board of Health for the district of Worthing in the county of Sussex propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature within their district, and the said board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

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That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the district of Worthing in the county of Sussex shall have power to borrow for the execution of the aforesaid works, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years assessable value of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this eighth day of July one thousand eight hundred and seventy.

(Signed) H. A. Bruce.

SCHEDULE (B).

The boundaries of the district of Kingsholm in the county of Gloucester commence at the point A. (on the map of the district deposited at the Local Government Act Office) at the river Severn, and on the north-west boundary line of the city of Gloucester, thence passing in an easterly direction along such boundary line to the point B. on the line of the Great Western Railway Company, thence easterly along and including such last-named railway to the point C. where the Asylum Lane crosses the said railway, thence in an easterly direction along and including the railway running to Cheltenham from Gloucester to a point marked D. on the east side of a certain brook called the Abbotswood Brook, thence westerly along and including such last-named brook to the point E. where the Witcombe Brook joins the Abbotswood Brook, thence westerly along and including such last-named brook, to the point F. on the north side of Sandhurst Lane, thence crossing such lane south-westerly to the point G. on the river Severn, thence following but excluding the river Severn to the starting point at A., so completing the boundary of the district of Kingsholm.

Local Government Supplemental.

A

B I L L

To confirm certain Provisional Orders under "The Local Government Act 1858," relating to the districts of Barton, Eccles, Winton, and Monton; Bognor, Bolton (2), Burton-on-Trent, Chippenham, Chiswick, Derby, Harrogate (3), Kidderminster (2), Merthyr Tydfil, Northam, Ryde, Stroud, Trowbridge and Worthing; to settle boundary of the district of Kingsholm in the county of Gloucester; and for other purposes relative to certain districts under the said Act.

(*Prepared and brought in by Mr. Shaw Lefevre and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed*, 2 *March* 1871.

[Bill 63.]

Under 9 *oz.*

A

B I L L

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Dawlish, Kingston-upon-Hull, Morley, Nelson, Sheerness, Skipton (2), Todmorden, West Derby, Willenhall, and York; and for other purposes relative to certain districts under the said Act. A.D. 1871.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such Orders shall be of any validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and other provisions made with respect to certain districts under the Local Government Act aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisional Orders in Schedule confirmed.

1. The Provisional Orders contained in the schedule hereunto annexed shall, from and after the *passing of this Act*, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act.

Saving rights at Dock Company at Kingston-upon-Hull.

2. This Act, and anything therein contained, shall not by implication or otherwise alienate, defeat, lessen, prejudice, derogate from, alter, or impair any estate, right, title, interest, property, power, or privilege of the Dock Company at Kingston-upon-Hull, or of the Guild or Brotherhood of Masters and Pilots, seamen of the Trinity House in Kingston-upon-Hull, or which they might have had, availed themselves of, or been entitled to in case this Act

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had not been passed; and nothing in this Act contained shall be deemed to alter or repeal the hundred and eighty-first section of "The Kingston-upon-Hull Improvement Act, 1854."

Power to Skipton Local Board to raise money for purchase of land or mortgage of same.

3. Whereas the Local Board of Health of the district of Skipton in the connty of York propose to purchase land, as described in the Provisional Order for the said district in the schedule to this Act, for the disposal of their sewage by irrigation:

Be it enacted that the said Local Board shall, with the sanction of one of Her Majesty's Principal Secretaries of State, have the power of raising any portion of the money required for purchase of such land on mortgage of the same, and that the amount so raised shall be reckoned as part of the sum which is authorised to be borrowed by the said Local Board under the Provisional Order in the schedule to this Act.

Act incorporated with 21 & 22 Vict. c. 98.

4. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

Short title.

5. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1871 (No. 2)."

SCHEDULE referred to in the preceding Act.

1. Dawlish.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
2. Kingston-upon-Hull.—Alteration of Local Acts.
3. Morley.—Extension of borrowing powers.
4. Nelson.—Alteration of Local Act.
5. Sheerness.—Extension of borrowing powers.
6. Skipton.— Do. do.
7. Skipton.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
8. Todmorden.— Do. do. do.
9. West Derby.— Do. do. do.
10. Willenhall.—Separation of part of district.
11. York.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.

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DAWLISH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the district of the Dawlish Local Board, for the Purchase of Lands by the said Board for Purposes of Street Improvements.

WHEREAS the Local Board in and for the district of Dawlish, in the county of Devon, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land required for street improvements within their district:

And whereas the said petition duly set forth in the schedule annexed thereto the pieces of land intended to be taken by such Board for such purposes, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of Dawlish, in the county of Devon, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purposes herein-before set forth and described.

Given under my hand this thirtieth day of March One thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following; and the numbers in column 1 refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description.	Owner.	Lessee.	Occupier.
	No. 1.—As to Road at the Marine Parade.			
No. 1A	A piece of land, part of the garden in front of the dwelling house No. 1, Marine Parade.	Elizabeth Tripe Morgan, Dawlish, widow.	- -	Unoccupied; in course of rebuilding.
	No. 2.—As to Road in Old Town Street.			
No. 2A	A piece of land, part of the playground belonging to the National schools in Old Town Street, including the south-western boundary wall thereof.	The Reverend Orlando Manley, The Vicarage, Dawlish.	- -	William Towill.
No. 2C	A part of the building used as a soup kitchen.	Ditto - - -	- -	The Reverend Orlando Manley and others.
No. 2B	A part of the building used as a tool house.	The churchwardens and overseers of the parish of Dawlish.	- -	Dawlish Local Board.
No. 2D	Cottage in Old Town Street, adjoining the above.	Elizabeth Hicks, 59, Lord Street, Birkenhead, widow.	- -	Henry Stone.
	No. 3.—As to Road at Brunswick Place.			
No. 3A	A piece of land, part of the garden in front of the dwelling house called Brunswick House, in Brunswick Place, including north-eastern fence.	Margaretta Hellings, Tiverton, Devon, Spinster.	- -	Elizabeth Cross.
	No. 5.—As to Road leading from Albert Place to Brunswick Place.			
No. 5A	A piece of land, part of the yard at the back of No. 1, Lawn Terrace, including part of boundary wall.	John Fortescue Knighton, Dawlish, surgeon.	- -	John Fortescue Knighton.
No. 5B	A piece of land, part of the yard at the back of No. 2, Lawn Terrace, including part of building thereon, with boundary wall.	William Buckingham, Southernhay, Exeter, solicitor, trustee of James Goss, deceased.	- -	Unoccupied.
	No. 6.—As to Road in Plantation Terrace.			
No. 6A	A piece of land, part of the garden in front of dwelling house No. 1, Plantation Terrace, including part of North-eastern Fence.	John Reed Rowell, No. 4, Holles Street, Cavendish Square, London, tailor, and Charles William Henry Spencer, Dawlish, printer, trustees of ——— Reed, deceased.	- -	The Reverend Edward Henslowe.

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No. on Plan.	Description.	Owner.	Lessee.	Occupier.
No. 6B	A piece of land, part of the lawn or pleasure ground and shrubbery in front of dwelling house No. 2, Plantation Terrace, with portions of the northern and eastern boundary walls.	Edward Robert Simmons, 4, Hyde Park Gate South, London, Esquire.	- -	Mary Mervyn Baylay.
No. 6C	A piece of land, part of the lawn or pleasure ground and shrubbery in front of dwelling house No. 3, Plantation Terrace, with the fence on the north-eastern side.	Ditto - - -	- -	Mary Williams.
No. 6D	A piece of land, part of the lawn or pleasure ground and shrubbery in front of dwelling house No. 4, Plantation Terrace, with the fence on north-eastern side.	Amelia Vickers Coatham, Redcar, Yorkshire, widow.	- -	Sylvanus Allen John Allen.
No. 6E	A piece of land, part of the lawn or pleasure ground and shrubbery in front of dwelling house No. 5, Plantation Terrace, with the fence on north-eastern side.	Henrietta Ley Trehill, Kenn, Devon, widow.	- -	Lady Frances Ley.
No. 6F	A piece of land, part of the lawn or garden and shrubbery in front of dwelling house called Hill House, including part of western and north-western fence.	Robert Hughtrede Holt, Dawlish, Esquire.	- -	Robert Hughtrede Holt.
	No. 7.—As to Road at Entrance to BARTON TERRACE.			
No. 7A	A piece of land at the corner of the entrance to Barton Terrace, part of Knowle Cottage grounds and shrubbery, with part of eastern fence.	Charles Joseph Wade, Stonelands, Bovey Tracey, Devon, Esquire.	Sydney Pearson.	Sydney Pearson.

KINGSTON-UPON-HULL.

Provisional Order for the repeal and alteration of parts of Local Acts in force within the District of the Kingston-upon-Hull Local Board of Health.

WHEREAS the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull, in their capacity of Local Board of Health for the borough (herein-after called the Local Board), and acting in execution of the Kingston-upon-Hull Improvement Act, 1854, (herein-after called the Improvement Act,) and the Supplemental Act thereto, 26th and 27th Vict. c. 32., have, under the provisions of the Local Government Act, 1858, presented a petition to me as one of Her

Majesty's Principal Secretaries of State, under the powers conferred upon them in that behalf by the 77th section of the Local Government Act, 1848, praying for the repeal and alteration of parts of the said Acts and other Acts therewith incorporated:

And whereas it appears expedient to issue a Provisional Order in relation to the matter of the said petition, but no such order can be valid without confirmation by Parliament:

Now therefore, in pursuance of the powers by the Local Government Act, 1858, vested in me, I as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1. The "Kingston-upon-Hull Improvement Act, 1854," shall be amended as follows, and shall be read and have effect accordingly; that is to say,
   The 68th section of the said Improvement Act shall be repealed.
2. The first section of the 26th and 27th Vict. c. 32., confirming a certain Provisional Order amending the said Improvement Act, by incorporating into it the following provisions of the "Towns Improvement Clauses Act, 1847," that is to say, sections 47 to 56 both inclusive, and also sections 57 to 63, both inclusive, shall be repealed.
3. The second and third sections of the said 26th and 27th Vict. c. 32., confirming such said Provisional Order and providing for the recovery of the expenses incurred or to be incurred in the making of certain streets, therein referred to, shall be repealed.
4. The following provisions of the "Towns Improvement Clauses Act, 1847," shall be incorporated with the said "Kingston-upon-Hull Improvement Act, 1854, that is to say, certain sections 'with respect to paving and maintaining the streets,' being sections 47 to 52, both inclusive, sections 54 to 66, both inclusive; and certain sections with respect to laying out new streets, being sections 57 to 63, both inclusive.
5. If any highway, street, road, or way, or any part or parts thereof, situate within the area of jurisdiction of the said Local Board, which has not heretofore been declared by resolution of the said board a public highway repairable by the board, be not entirely and wholly sewered, levelled (which shall include lowering or raising the level of the same), paved, flagged, and channelled, or otherwise made good to the satisfaction of the Local Board, the Local Board may, by notice in writing under the hand of their clerk for the time being, addressed to the respective owners or occupiers of the lands, houses, hereditaments, and premises fronting, adjoining, or abutting upon such parts thereof as may require to be sewered, levelled, paved, and flagged, or channelled, respectively, require such owners or occupiers, within one calendar month from the date of such notice, to sewer, level (as aforesaid), pave, flag, and channel, or otherwise make good, and to their satisfaction, as aforesaid, the highway, street, road, or way, or part or parts thereof, accordingly, and if the same be not so sewered, levelled as aforesaid, paved, flagged, or channelled,

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or otherwise made good, in accordance with the terms of such notice, to the satisfaction of the board, within the time aforesaid, then, and upon the expiration of the said one calendar month from the date of such notice, the said Local Board may, if they shall think fit, thereupon cause the works mentioned or referred to in such notice to be executed, done, and performed, at such places or place specified in such notice, in such manner as they may see fit; and the expenses incurred by the said Local Board in respect thereof shall be repaid to them, their successors and assigns, by the owners of such said lands or houses, buildings and premises respectively, in default, according to the frontage of their respective premises, and in such proportion as shall be fixed by the board's surveyor for the time being, and be recoverable, with interest thereon respectively, at the rate of five per cent. per annum, from such said owners or occupiers respectively, by the said Local Board, their successors and assigns in manner herein-after mentioned.

Provided always, that upon payment to the said Local Board, their successors and assigns, of such expenses, the Local Board shall accept and declare such turnpike road, highway, street, or way, or parts or part thereof, to be a public highway thenceforth; and thereafter, such said highway, street, road, or way, or such part or parts thereof as aforesaid, shall from thenceforth be repairable by the said Local Board out of the rates levied by them for the repairs of public highways under the said Improvement Act.

6. The 82nd section of the said Improvement Act shall be repealed, and in lieu thereof be it enacted:—That if any causeway, footway, or side way of any highway, street, or way, whether the same highway, street, or way has been declared a highway or not, before or since the passing of the said Improvement Act, which has not heretofore been flagged or formed with materials of such width or otherwise to the satisfaction of the Local Board, then the said Local Board may, by notice in writing under the hand of their clerk for the time being, addressed to the respective owners or occupiers of the lands, houses, buildings, and premises adjoining or abutting upon the said causeway, footway, or sideway, require such owners or occupiers, within one calendar month from the date of such notice, to flag or form the same to the extent of their respective frontages thereto, of such materials and of such width as the said Local Board may think fit. And the said Local Board shall have the like power and authority with respect to any such causeway, footway, or sides, as to the materials or width of which they may disapprove, as is contained in section 5 herein-before mentioned; and if the same causeway, footway, or sides be not so flagged or formed or otherwise made good, in accordance with the conditions of such notice, then, and upon the expiration of the said one calendar month, the said Local Board may cause such causeway, footway, or sideway to be so flagged or formed or otherwise made good, in such manner as they shall see fit; and the expenses incurred by the Local Board in respect thereof shall be repaid to them by the owners or occupiers of the lands, houses, buildings, and premises adjoining or abutting upon such said

causeway, footway, or sideway respectively, according to and to the extent of their respective frontages thereto, and in such proportion as may be settled by the surveyor of the board for the time being, with interest thereon respectively after the rate of 5*l.* per cent. per annum, in the manner and under the provisions herein-after mentioned.

7. For the purposes of the provisions herein contained, all the expenses incurred or to be incurred by the Local Board under the same respectively shall be deemed to be so respectively incurred, and shall be due and payable to the said Local Board, so soon as the said Local Board by resolution shall determine to proceed with the several works referred to in such several provisions respectively, or in any or either of them, as the case may be, and shall give such notice as aforesaid, and such expenses, and interest thereon after the rate of 5*l.* per cent. per annum from the date of such notice, shall be immediately thereupon recoverable by the Local Board, their successors or assigns, as liquidated damages, from the said owners or occupiers in a summary manner, before any justice of the peace of and for the borough of Kingston-upon-Hull, within six years from the date of such notice by the said Local Board, their successors and assigns.

8. Provided always, that for the purposes of the recovery thereof by the Local Board, the amount of such expenses shall be estimated by their surveyor for the time being, and the amount so estimated shall be so recoverable as aforesaid by the said Local Board, their successors and assigns, but without prejudice to the recovery by them thereafter of any sum by which the actual amount of such expenses exceeds the amount so estimated. Provided always, that in case the amount so estimated and paid or recovered as aforesaid shall exceed the sum actually expended in such works, then the sum so actually paid in excess by each respective owner shall, on the completion thereof, be forthwith repaid by the Local Board to each of the said owners respectively, with any interest which may have accrued thereon in the meantime.

9. The statement of frontage in any of the foregoing notices shall be binding and conclusive upon all parties, unless any objection thereto is stated to the surveyor for the time being of the board by any owner or occupier of premises within one calendar month from the date of such notice; and the said owner or occupier shall be liable to the Local Board for all charges to which an owner or occupier is liable in respect of such frontage.

10. Provided always, that any owner or occupier by whom payment has been made under notice as aforesaid be empowered to recover from the owners or occupiers of frontage wrongly included in such notice as frontage for which he is liable, as liquidated damages, before any such justice of the peace as aforesaid, any amount paid by him in respect of frontage belonging to the owners or occupiers of such frontage, according to the proportion borne by their frontage to his frontage.

11. The 103rd section of the Improvement Act shall be repealed, and in lieu thereof, be it enacted:—Any person who, without the consent of the

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Local Board, shall build, rebuild, make, clear out, unstop, or in anywise alter any building, messuage, tenement or dwelling house, sewer, drain, privy, cesspool or ashpit respectively, or do any other work therein or thereupon, in contravention of any Act administered by the Local Board, or in alteration of plans which have been approved of by the said board, or contrary to the orders of the said board made under any of the powers vested in them by law, shall for every such offence forfeit a sum not exceeding 5*l.*, and for every day after the first during which the offence continues a sum not exceeding 10*s.* And the Local Board may further in such case at once alter and amend any such work, tenement, or other work, as they think fit, and the expense attending any such amendment or alteration shall be recoverable as liquidated damages in the mode and manner herein-before provided.

12. The Local Board from time to time may make, alter, and repeal byelaws, rules and orders for licensing a sufficient number of master lumpers and master stevedores within the borough, and for regulating their conduct.

13. The foregoing provisions shall be in addition to and not in substitution of any of the remaining provisions of the said Improvement Act, or of the Acts incorporated therewith, and shall be read and have effect and be construed together therewith accordingly.

Given under my hand this thirtieth day of March in the year of our Lord one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

MORLEY.

Provisional Order for extending the Borrowing Powers of the Morley Local Board.

WHEREAS the Local Board for the district of Morley in the county of York propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature within their district, and the said Board have, under the authority of the 78th section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted, but the same cannot be done without the consent of Parliament:

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Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board for the district of Morley in the county of York shall have power to borrow for the execution of the aforesaid works, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorised by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him, shall not exceed in the whole two years assessable value of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this thirtieth day of March One thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

NELSON.

Provisional Order altering parts of a Local Act in force within the District of the Nelson Local Board.

Whereas the Local Board in and for the district of Nelson in the county of Lancaster, in which the Local Government Act, 1858, is in force, have, in pursuance of such Act, presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of a certain Local Act of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,—

An Act passed in the twenty-ninth year of the reign of Her present Majesty Queen Victoria, intituled "An Act to enable the Local Board for the district "of Nelson in the county of Lancaster to provide a supply of water and gas "for the district and its neighbourhood, and to purchase the undertaking of the "Gas Company, Limited; and for other purposes:"

And whereas, in pursuance of the said Local Government Act, and after full consideration of the several matters mentioned in the said petition, it appears expedient to issue a Provisional Order in relation to the said matters; but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct—

A.D. 1871.

That from and after the passing of any Act of Parliament confirming this Order,

The section numbered 71 in the copies of the said herein-before recited Local Act, printed by the Queen's Printers, shall be altered by the addition of these words:—"Provided also, that the date at which the Local Board "shall begin setting aside yearly as a sinking fund the sum mentioned in "this section shall be the eleventh of June one thousand eight hundred and "eighty-six."

Given under my hand, this thirtieth day of March one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

SHEERNESS.

Provisional Order for extending the Borrowing Powers of the Sheerness Local Board of Health.

WHEREAS the Local Board of Health for the district of Sheerness in the county of Kent propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for their district, and the said board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, and the Local Government Act, 1858, Amendment Act, 1861, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Arnold Taylor, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the district of Sheerness in the county of Kent shall have power to borrow for the execution of permanent works, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which when added to the amounts of the loans already sanctioned by him for the

said district, shall not exceed in the whole two years' assessable value of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this thirtieth day of March one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

SKIPTON.

Provisional Order for extending the Borrowing Powers of the Skipton Local Board of Health.

Whereas the Local Board of Health for the district of Skipton in the county of York propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature within their district, but the sum that will be required to carry out the said works will, with the loans already sanctioned, exceed the assessable value for one year of the premises assessable under the said Act within such district:

And whereas the said Board have now, under the authority of the 78th section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount not exceeding 22,000*l.*, which sum, when added to the sums of which the borrowing has been already sanctioned under the said Act, will not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by John Thornhill Harrison, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretares of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the district of Skipton in the county of York shall have power to borrow for the execution of the aforesaid works, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorised by the sanction of the Secretary of State, to borrow, up to an amount which, when added to the amounts of the loans already sanctioned, will not exceed in the whole two years' assessable value of the premises assessable

A.D. 1871.

under such Act within the aforesaid district; the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this thirtieth day of March one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

SKIPTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the district of the Skipton Local Board of Health, for the purchase of lands by the said Board for purposes of Sewage Irrigation.

Whereas the Local Board of Health in and for the district of Skipton, in the county of York, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land required for the purposes of sewage irrigation:

And whereas the said petition, and the schedules thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land, who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed John Thornhill Harrison, Esq., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The aforesaid Local Board of Health for the district of Skipton shall be empowered to put in force, with reference to the lands referred to and

described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose hereinbefore set forth and described. A.D. 1871.

Given under my hand, this thirtieth day of March one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on plan.	Land proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	Field - -	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk).
2	Field - -	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk).
3	Field - -	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk).
4	Field - -	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk).

No. on plan.	Lands proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	Portion of the Midland Railway embankment and land.	The Midland Railway Company (James Williams, secretary).	- - -	The Midland Railway Company (James Williams, secretary).
6	Portion of the Midland Railway embankment and land.	The Midland Railway Company (James Williams, secretary).	- - -	The Midland Railway Company (James Williams, secretary).
7	Occupation road under the Midland Railway.	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Midland Railway Company (James Williams, secretary), the Airdale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk, the Midland Railway Company (James Williams, secretary).
8	Field and part of Snaygill Beck.	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk).
9	Field and part of Snaygill Beck.	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk).
10	Public footpath -	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk), East Staincliffe Highway Board (George Kendall, clerk).	- - -	Caleb Wilkinson, East Staincliffe Highway Board (George Kendall, clerk), the Airedale Drainage Commissioners (Thomas Brown, clerk).
11	Field - -	Rowland Nevitt Bennett and Peter Pichard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk).
12	Portion of the Midland Railway embankment and land.	The Midland Railway Company (James Williams, secretary).	- - -	The Midland Railway Company (James Williams, secretary).

No. on Plan.	Lands proposed to be taken.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
13	Banks of the Aire	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk).
14	Banks of the Snaygill Beck.	Rowland Nevitt Bennett and Peter Richard Hoare (Trustees of Henry Earl of Thanet, deceased), Sir Richard Tufton, Baronet, the Airedale Drainage Commissioners (Thomas Brown, clerk).	- - -	Caleb Wilkinson, the Airedale Drainage Commissioners (Thomas Brown, clerk).
15	Portions of the Midland Railway embankment and land.	The Midland Railway Company (James Williams, secretary).	- - -	The Midland Railway Company (James Williams, secretary).

TODMORDEN.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Todmorden Local Board, for the Purchase of Land by the said Board for the purpose of erecting a Market House.

WHEREAS the Local Board in and for the district of Todmorden, in the counties of Lancaster and York, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase, otherwise than by agreement, a certain piece of land required for the purpose of constructing a Market House.

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the piece of land intended to be taken by such board for such purpose, and the name of the owner, lessee, and occupier of the aforesaid piece of land, who has dissented to the taking such piece of land, and such petition prayed that the said board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed John Thornhill

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Harrison, Esq., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The aforesaid Local Board for the district of Todmorden shall be empowered to put in force, with reference to the land referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purpose herein-before set forth and described.

Given under my hand, this thirtieth day of March one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The PIECE of LAND proposed to be taken as described in the foregoing Order is the following, and the number in column one refers to that on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
1	A plot of land, with the dwelling house, shop, and buildings erected thereon, containing an area of 37$\frac{7}{8}$ths square yards, and situate in or adjoining North Street in Todmorden.	John Turner -	- - -	John Turner.

A.D. 1871.

WEST DERBY.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the West Derby Local Board, for the Purchase of Lands by the said Board for purposes of Sewage Irrigation.

Whereas the Local Board of Health in and for the district of West Derby in the county of Lancaster, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase, otherwise than by agreement, certain pieces of land lying outside the district of West Derby, and in the township of Fazakerley and parish of Walton-on-the-Hill, required for the purposes of sewage irrigation:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esq., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The aforesaid Local Board for the district of West Derby shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purpose herein-before set forth and described.

Given under my hand, this thirtieth day of March one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

A.D. 1871.

SCHEDULE referred to in the foregoing Order.

The PIECES of LAND proposed to be taken are the following, and the numbers in column one refer to those on the plan accompanying the petition aforesaid.

No. on Plan.	Description.	Owner.	Lessee.	Occupier.
1	House, farm buildings, yards, garden, and orchard, known as "Clock House."	Mrs. Harriett Matilda Fazakerley Westby, Mrs. Isabella Mary Evered, and Miss Emily Augusta Fazakerley.	John Orrett -	John Orrett.
2	Pasture and roadway	Do. - - -	Do. - - -	Do.
3	Pasture - -	Guardians of the poor of the parish of Walton-on-the-Hill.	Anna Dale -	Anna Dale.
4	Two cottages and gardens.	Mrs. Harriett Matilda Fazakerley Westby, Mrs. Isabella Mary Evered, and Miss Emily Augusta Fazakerley.	John Orrett -	Thomas Blundell and James Barton.
5	Pasture and arable -	Do. - - -	Do. - - -	John Orrett.
6	Do. - -	Do. - - -	Do. - -	Do.
7	Do. - -	Do. - - -	Do. - -	Do.
8	Pasture - -	Do. - - -	Do. - -	Do.
9	Do. - -	Do. - - -	Do. - -	Do.
10	Arable - -	Mrs. Eliza Lee - -	William Chatterton	William Chatterton.
11	Pasture and arable -	Do. - - -	Do. - -	Do.
12	Pasture - -	Mrs. Harriett Matilda Fazakerley Westby, Mrs. Isabella Mary Evered, and Miss Emily Augusta Fazakerley.	John Orrett -	John Orrett.
13	House, farm buildings, yards, garden, &c., known as "Plumb Tree Farm-house," &c.	Mrs. Eliza Lee - -	William Chatterton	William Chatterton.
14	Pasture - -	Mrs. Harriett Matilda Fazakerley Westby, Mrs. Isabella Mary Evered, and Miss Emily Augusta Fazakerley.	James Pope -	James Pope.
15	Do. - -	Mrs. Eliza Lee - -	William Chatterton	William Chatterton.
16	Arable - -	Do. - - -	Do. - -	Do.
17	Pasture - -	Mrs. Harriett Matilda Fazakerley Westby, Mrs. Isabella Mary Evered, and Miss Emily Augusta Fazakerley.	John Orrett -	John Orrett.

No. on Plan.	Description.	Owner.	Lessee.	Occupier.
18	Arable - -	John Pemberton Heywood	John Widdowson -	John Widdowson.
19	Pasture - -	Do. - - -	Do. - -	Do.
20	Two cottages and gardens.	Mrs. Eliza Lee - -	William Chatterton	Henry Waldron and Misses Elizabeth and Mary Howard.
21	Arable - -	John Naylor, Richard Christopher Naylor, and John North.	Thomas Atherton -	Thomas Atherton.
22	Pasture - - -	Mrs. Smith - -	Henry Spencer -	Henry Spencer.
23	Do. - -	John Naylor, Richard Christopher Naylor, and John North.	Thomas Atherton -	Thomas Atherton.
24	Do. - -	Do. - - -	Do. - -	Do.
25	Do. - -	Michael Hughes -	James Ashcroft -	James Ashcroft.
26	Do. - -	Do. - - -	Do. - -	Do.
27	Do. - -	Do. - - -	Do. - -	Do.
28	Arable - -	Do. - - -	Do. - -	Do.
29	Do. - -	Do. - - -	Do. - -	Do.
30	Farmhouse, buildings, yards, garden, and orchard.	Do. - - -	Do. - -	Do.
31	Pasture - -	Mrs. Harriett Matilda Fazakerley Westby, Mrs. Isabella Mary Evered, and Miss Emily Augusta Fazakerley.	James Pope -	James Pope.
32	Do. - -	Michael Hughes -	Joseph Walker -	Joseph Walker.

WILLENHALL.

Provisional Order for altering the Boundaries of the District of Willenhall, in the County of Stafford, as constituted for the purposes of the Public Health Act, 1848.

Whereas, by a Provisional Order of the General Board of Health, bearing date the thirteenth day of June one thousand eight hundred and fifty-four, confirmed by the Public Health Supplemental Act, 1854, the Public Health Act, 1848, was duly applied to the township of Willenhall, in the county of Stafford:

And whereas a Petition has been duly presented to me, as one of Her Majesty's Principal Secretaries of State, under the provisions of the 77th section of the Local Government Act, 1858, praying for an alteration of the boundaries of the said district of Willenhall, by the separation of the outlying part of the

A.D. 1871.

district known as Short Heath from the district constituted under the hereinbefore recited Provisional Order, and the Act confirming the same:

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the several matters mentioned in the said Petition, and report has been made to me thereon by Robert Morgan, Esquire, the Inspector appointed for the purpose:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1. The district of the aforesaid Local Board of Health for Willenhall, in the county of Stafford, be altered by the separation therefrom of all that portion of the township of Willenhall which lies to the north of that part of the Birmingham Canal between Fibbersley Bridge and the Brook Course at Bentley, and which is bounded on the north and west by the parish of Wednesfield, on the south by the north side of the said Birmingham Canal, and on the east by the townships of Bentley and Bloxwich.

Given under my hand, this twenty-second day of March, one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE

YORK.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the district of the York Local Board of Health, for the purchase of lands by the said Board for Street Improvements.*

WHEREAS the mayor, aldermen, and citizens of the city of York, by the council of the said city, acting as the Local Board of Health in and for the same city, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land for the purpose of widening, altering, and improving certain streets within the aforesaid city of York:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the afore-

said pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said Board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esq., C.E., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The aforesaid Local Board of Health for the district of the city of York shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose hereinbefore set forth and described.

Given under my hand, this thirtieth day of March one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

Parish of Holy Trinity, Micklegate, in the City of York.

Number on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	Public-house, stabling, coach-houses, yards, outbuildings, and premises.	Henry Trumper, Peter Ascough, John Parker, George Lightfoot, Thomas Lightfoot, and Thomas Topham.	- - -	John Cowper.

Parish of Saint Maurice, in the City of York.

1	Shop, warehouse, outbuildings, and premises.	Emma Walkington and Robert Arthur Walkington.	Zachariah Waite	Zachariah Waite.
2	House, shop, warehouse, outbuildings, and premises.	Emma Walkington and Robert Arthur Walkington.	- - -	Sarah Gilderthorpe.
3	Privy and ashpit -	Emma Walkington and Robert Arthur Walkington.	Zachariah Waite	Zachariah Waite and Sarah Gilderthorpe.

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Number on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		PARISH of SAINT GILES, in the City of YORK.		
1	House, shop, and premises.	Ann Gutherie - -	- - -	Thomas William Wilson.
2	House, shop, and premises.	Thomas Lawson, William Lawson, George Lawson Whitwell, William Whitwell, Thomas Smith Anderson, Francis Scott Taylor, and Thomas Whitwell.	- - -	Jame Ellis.
2a	Shed and outbuildings	Thomas Lawson, William Lawson, George Lawson Whitwell, William Whitwell, Thomas Smith Anderson, Francis Scott Taylor, and Thomas Whitwell.	- - -	James Ellis.
3	House, shop, and premises.	Thomas Lawson, William Lawson, George Lawson Whitwell, William Whitwell, Thomas Smith Anderson, Francis Scott Taylor, and Thomas Whitwell.	- - -	Henry Burdsall.
3a	Yard and outbuildings	Thomas Lawson, William Lawson, George Lawson Whitwell, William Whitwell, Thomas Smith Anderson, Francis Scott Taylor, and Thomas Whitwell.	- - -	Henry Burdsall.
4	House, shop, and premises.	Thomas Lawson, William Lawson, George Lawson Whitwell, William Whitwell, Thomas Smith Anderson, Francis Scott Taylor, and Thomas Whitwell.	- - -	Joseph Botterill.
5	Occupation passage and yard.	Thomas Lawson, William Lawson, George Lawson Whitwell, William Whitwell, Thomas Smith Anderson, Francis Scott Taylor, and Thomas Whitwell.	- - -	James Ellis, Henry Burdsall, and Joseph Botterill.
6	House, shop, and premises.	Jane North - -	- - -	Jane North.
7	House, shop, and premises.	Jane North - -	- - -	Thomas Harrison.

Local Government
Supplemental (No. 2).

A

BILL

To confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Dawlish, Kingston-upon-Hull, Morley, Nelson, Sheerness, Skipton (2), Todmorden, West Derby, Willenhall, and York; and for other purposes relative to certain districts under the said Act.

(*Prepared and brought in by Mr. Winterbotham and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed,* 21 *April* 1871.

[Bill 115.]

Under 4 *oz.*

A

BILL

TO

Confirm a Provisional Order under "The Local Government Act, 1858," relating to the district of Kingston-upon-Hull. A.D. 1871.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made a Provisional Order, which is contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such Order shall be of any validity whatever until it shall have been confirmed by Parliament; and it is expedient that the said Order should be so confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisioual Order contained in the schedule hereunto annexed shall, from and after the *passing of this Act*, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act. Provisional Order in Schedule confirmed.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act. Act incorporated with 21 & 22 Vict. c. 98.

3. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1871 (No. 3.)" Short title.

A.D. 1871.

SCHEDULE.

KINGSTON-UPON-HULL.

Provisional Order partially repealing and altering a Local Act in force within the District of the Borough of Kingston-upon-Hull.

Whereas the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull are the Local Board of Health for the district of the borough, acting in the execution of the Kingston-upon-Hull Improvement Act, 1854, and in such capacity are herein-after referred to as "the Local Board of Health:"

And whereas the said mayor, aldermen, and burgesses are the municipal corporation of the said borough, and in such capacity are herein-after referred to as "the Municipal Corporation," and as such municipal corporation are the owners of the Ferry Boat Dock Wharf or landing place made and maintained under the provisions of the Local Act herein-after referred to, and as such municipal corporation consent to this Order:

And whereas there is in force in the said borough an Act passed in the forty-first year of the reign of His late Majesty King George the Third, intituled "An Act for enlarging and improving the market place of the town of Kingston-upon-Hull, and for making a commodious street from thence to the river Humber, with a dock and wharf or landing place for the ferry and market boats belonging and resorting to the said town," such Act having relation to the purposes of the Local Government Act, 1858, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit, and the same is herein-after called "the Local Act:"

And whereas the Local Board of Health have, under the provisions of the said Local Government Act, 1858, presented a petition to me as one of Her Majesty's principal Secretaries of State, praying for the alteration and partial repeal of the said Local Act:

And whereas in pursuance of the said Local Government Act, due inquiry has been made in respect of the several matters mentioned in the said petition, and report has been duly made to me thereon, by Robert Morgan, Esquire, an inspector appointed for such purpose:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order:—

1. So much of sections 3 and 4 of the said Local Act as relates to the making, maintaining, supporting, and keeping in repair a dock for ferry and

market boats, and a public wharf or landing place, and also sections 36, 37, 38, 39, and 40, of the said Act, shall be repealed. A.D. 1871.

2. The municipal corporation shall and may forthwith fill in, inclose, and make up the dock for ferry and market boats directed by the said Local Act to be made and maintained, and also remove and take away the public wharf or landing place belonging or attached thereto; and all public rights in and over the same (except as herein provided) shall thereupon cease.

3. Upon such dock being filled in, enclosed, and made up as aforesaid, the Local Board shall and may take possession of the same as a public pleasure ground for the inhabitants of the same borough, and in respect thereof shall and may have and exercise all the rights, powers, and authorities vested in them under or by virtue of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter sixty-three, section seventy-four, in respect of pleasure grounds provided by the Local Board under such section.

4. The Local Board shall and may continue and improve their outfall sewer from the end of Queen Street in the said borough through and over the site of the said ferry boat dock by a new sewer or culvert carrying the same in a southerly direction to the river Humber, and make, construct, and maintain all proper culverts, penstocks, tidal gates, and other works necessary and proper for the purpose.

5. The municipal corporation shall from time to time remove or cause to be removed from the shore on the southern side of the site of the said ferry boat dock any shoals or deposits caused by the construction and maintenance of the works authorised by this Order, and which may, in the opinion of the River Humber Conservancy Commissioners, be injurious or prejudicial to the navigation of the river Humber.

6. The said Local Board shall not, in pursuance of the powers conferred upon them by this Order, construct any work on any part of the shore or bed of the sea where and so far up the same as the tide flows and reflows without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the said Board of Trade approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the said Local Board shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval, and if any such work shall be commenced or completed without such consent or approval the said Board of Trade may abate and remove the same and restore the site thereof to its former condition, at the cost of the said Local Board, and the amount of such costs shall be a debt due to the Crown, and recoverable against the said Local Board accordingly.

7. The Local Board may construct and make a new road or way from the street in the said borough called Nelson Street along the east end of the

A.D. 1871.

site of the said ferry boat dock, and thence along the southern boundary of such site to the west end thereof, and thence along the west end thereof, so as to form a junction with Nelson Street aforesaid at a point opposite a street in the said borough called Pier Street, and shall flag, channel, pave, and maintain the same as public highways of the said borough.

8. The municipal corporation may, on the site of the said ferry boat dock, make and maintain a proper and suitable landing place or places from the river Humber at some convenient place at the east end of the site of the ferry boat dock, with convenient steps or landing places adjoining to and communicating with the river Humber, for the use and convenience of the public.

9. The municipal corporation may appoint from time to time, and at pleasure suspend or remove, a person to be the superintendent of the said landing place or places, who shall have full power and authority to direct the mooring, unmooring, moving, or removing of any ship, boat, or other vessel lying at or being moored at or near any such landing place or places, and also to appoint and direct the times and manner of any such ship, boat, or other vessel coming to, lying at, or being moored as aforesaid, and also to appoint the berth for any such ship, boat, or other vessel to land or deliver, or to land or take in passengers' luggage or cargo.

10. No master or other person having charge or direction of any such ship, boat, or other vessel shall disobey the orders and directions of the said superintendent as to any matter within the scope of his authority hereby given.

11. No master or other person having charge or direction of any ship, boat, or other vessel shall (except with the sanction of such superintendent) permit or suffer such ship, boat, or other vessel to lie across or in any way obstruct the free and convenient use of any such landing place.

12. No person shall throw, cast, or place any ballast, earth, dust, ashes, stones, or any other article or thing whatsoever upon any such landing place which may create annoyance to any person using the same, or which may prevent the free and convenient public use of the same.

13. Any person guilty of any of the offences aforesaid shall, for each and every offence, forfeit and pay any sum not exceeding five pounds.

14. All penalties under these provisions shall be recoverable in accordance with the provisions of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, with respect to the administration of justice, and shall be applied in the same manner as penalties imposed under the Kingston-upon-Hull Improvement Act, 1854.

15. Nothing contained in this Order or in the Act confirming the same shall authorise the said Local Board to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the

Queen's most Excellent Majesty, in right of her crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in the said Order or Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. A.D. 1871.

Given under my hand, this nineteenth day of May one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

Local Government Supplemental (No. 3).

A

B I L L

To confirm a Provisional Order under "The Local Government Act, 1858," relating to the district of Kingston-upon-Hull.

(Prepared and brought in by Mr. Winterbotham and Mr. Secretary Bruce.)

Ordered, by The House of Commons, *to be Printed*, 5 *June* 1871.

[Bill 178.]

Under 1 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Confirm a Provisional Order under "The Local Government Act, 1858," relating to the district of Kingston-upon-Hull. A.D. 1871.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made a Provisional Order, which is contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such Order shall be of any validity whatever until it shall have been confirmed by Parliament; and it is expedient that the said Order should be so confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisional Order in Schedule confirmed.

1. The Provisional Order contained in the schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act.

Act incorporated with 21 & 22 Vict. c. 98.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

Short title.

3. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1871 (No. 3.)"

A.D. 1871.

SCHEDULE.

KINGSTON-UPON-HULL.

Provisional Order partially repealing and altering a Local Act in force within the District of the Borough of Kingston-upon-Hull.

WHEREAS the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull are the Local Board of Health for the district of the borough, acting in the execution of the Kingston-upon-Hull Improvement Act, 1854, and in such capacity are herein-after referred to as "the Local Board of Health:"

And whereas the said mayor, aldermen, and burgesses are the municipal corporation of the said borough, and in such capacity are herein-after referred to as "the Municipal Corporation," and as such municipal corporation are the owners of the Ferry Boat Dock Wharf or landing place made and maintained under the provisions of the Local Act herein-after referred to, and as such municipal corporation consent to this Order:

And whereas there is in force in the said borough an Act passed in the forty-first year of the reign of His late Majesty King George the Third, intituled "An Act for enlarging and improving the market place of the town of Kingston-upon-Hull, and for making a commodious street from thence to the river Humber, with a dock and wharf or landing place for the ferry and market boats belonging and resorting to the said town," such Act having relation to the purposes of the Local Government Act, 1858, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit, and the same is herein-after called "the Local Act:"

And whereas the Local Board of Health have, under the provisions of the said Local Government Act, 1858, presented a petition to me as one of Her Majesty's principal Secretaries of State, praying for the alteration and partial repeal of the said Local Act:

And whereas in pursuance of the said Local Government Act, due inquiry has been made in respect of the several matters mentioned in the said petition, and report has been duly made to me thereon, by Robert Morgan, Esquire, an inspector appointed for such purpose:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order:—

1. So much of sections 3 and 4 of the said Local Act as relates to the making, maintaining, supporting, and keeping in repair a dock for ferry and

market boats, and a public wharf or landing place, and also sections 36, 37, 38, 39, and 40, of the said Act, shall be repealed. A.D. 1871.

2. The municipal corporation shall and may forthwith fill in, inclose, and make up the dock for ferry and market boats directed by the said Local Act to be made and maintained, and also remove and take away the public wharf or landing place belonging or attached thereto; and all public rights in and over the same (except as herein provided) shall thereupon cease.

3. Upon such dock being filled in, enclosed, and made up as aforesaid, the Local Board shall and may take possession of the same as a public pleasure ground for the inhabitants of the same borough, and in respect thereof shall and may have and exercise all the rights, powers, and authorities vested in them under or by virtue of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter sixty-three, section seventy-four, in respect of pleasure grounds provided by the Local Board under such section.

4. The Local Board shall and may continue and improve their outfall sewer from the end of Queen Street in the said borough through and over the site of the said ferry boat dock by a new sewer or culvert carrying the same in a southerly direction to the river Humber, and make, construct, and maintain all proper culverts, penstocks, tidal gates, and other works necessary and proper for the purpose.

5. The municipal corporation shall from time to time remove or cause to be removed from the shore on the southern side of the site of the said ferry boat dock any shoals or deposits caused by the construction and maintenance of the works authorised by this Order, and which may, in the opinion of the River Humber Conservancy Commissioners, be injurious or prejudicial to the navigation of the river Humber.

6. The said Local Board shall not, in pursuance of the powers conferred upon them by this Order, construct any work on any part of the shore or bed of the river where and so far up the same as the tide flows and reflows without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the said Board of Trade approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the said Local Board shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval, and if any such work shall be commenced or completed without such consent or approval the said Board of Trade may abate and remove the same and restore the site thereof to its former condition, at the cost of the said Local Board, and the amount of such costs shall be a debt due to the Crown, and recoverable against the said Local Board accordingly.

7. The Local Board may construct and make a new road or way from the street in the said borough called Nelson Street along the east end of the

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site of the said ferry boat dock, and thence along the southern boundary of such site to the west end thereof, and thence along the west end thereof, so as to form a junction with Nelson Street aforesaid at a point opposite a street in the said borough called Pier Street, and shall flag, channel, pave, and maintain the same as public highways of the said borough.

8. The municipal corporation may, on the site of the said ferry boat dock, make and maintain a proper and suitable landing place or places from the river Humber at some convenient place at the east end of the site of the ferry boat dock, with convenient steps or landing places adjoining to and communicating with the river Humber, for the use and convenience of the public.

9. The municipal corporation may appoint from time to time, and at pleasure suspend or remove, a person to be the superintendent of the said landing place or places, who shall have full power and authority to direct the mooring, unmooring, moving, or removing of any ship, boat, or other vessel lying at or being moored at or near any such landing place or places, and also to appoint and direct the times and manner of any such ship, boat, or other vessel coming to, lying at, or being moored as aforesaid, and also to appoint the berth for any such ship, boat, or other vessel to land or deliver, or to land or take in passengers' luggage or cargo.

10. No master or other person having charge or direction of any such ship, boat, or other vessel shall disobey the orders and directions of the said superintendent as to any matter within the scope of his authority hereby given.

11. No master or other person having charge or direction of any ship, boat, or other vessel shall (except with the sanction of such superintendent) permit or suffer such ship, boat, or other vessel to lie across or in any way obstruct the free and convenient use of any such landing place.

12. No person shall throw, cast, or place any ballast, earth, dust, ashes, stones, or any other article or thing whatsoever upon any such landing place which may create annoyance to any person using the same, or which may prevent the free and convenient public use of the same.

13. Any person guilty of any of the offences aforesaid shall, for each and every offence, forfeit and pay any sum not exceeding five pounds.

14. All penalties under these provisions shall be recoverable in accordance with the provisions of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, with respect to the administration of justice, and shall be applied in the same manner as penalties imposed under the Kingston-upon-Hull Improvement Act, 1854.

15. Nothing in this Order or in the Act confirming the same shall authorise any interference with or in any way affect the rights, powers, or authorities of the guild or brotherhood of masters and pilots seamen of the Trinity House of Kingston-upon-Hull, or of the haven master appointed

by them, or the rights, powers, or authorities of the dock company of Kingston-upon-Hull acquired by them under any Act of Parliament or otherwise legally subsisting. A.D. 1871.

16. Nothing contained in this Order or in the Act confirming the same shall authorise the said Local Board to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty, in right of her crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in the said Order or Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Given under my hand, this nineteenth day of May one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

Local Government Supplemental (No. 3).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To confirm a Provisional Order under "The Local Government Act, 1858," relating to the district of Kingston-upon-Hull.

(*Prepared and brought in by Mr. Winterbotham and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1871.

[Bill 211.]

Under 1 *oz.*

A

B I L L

TO

Confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Acton, Altrincham, Bognor, Bolton (Lancashire), Harrogate (2), Henley-on-Thames, Kingston-upon-Hull, Litchurch, Malvern, Nelson, Over Darwen, Pensarn, Prescot, Ramsgate, Redcar, St. Leonards, Stamford, Tottenham, Ware, Widnes, and Wimbledon; and for other purposes relative to the district of Stamford under the said Act. A.D. 1871.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such Orders shall be of any validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and other provisions made with respect to certain districts under the Local Government Act aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisional Orders in Schedule confirmed.

1. The Provisional Orders contained in the schedule hereunto annexed shall, from and after *the passing of this Act*, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act.

Powers and obligations with respect to turnpikes now repair-

2. All turnpike roads, or such parts thereof as are now repairable by the Stamford Improvement commissioners, or the town council exercising the powers of such commissioners, shall continue to be

able by the commissioners of Stamford to be repairable by town council or local board.

repairable by the town council, as the local board of Stamford, and the said local board shall have all powers and obligations with respect to such turnpike roads as they have with respect to highways under section one hundred and seventeen of the Public Health Act, 1848, and section thirty-seven of the Local Government Act, 1858.

Act incorporated with 21 & 22 Vict. c. 98.

3. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

Short title.

4. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1871 (No. 4)."

The SCHEDULE referred to in the preceding Act.

1. Acton.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
2. Altrincham.—Altering Order in Council applying Public Health Act, 1848, to district.
3. Bognor.—Altering Local Acts.
4. Bolton (Lancashire).—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
5. Harrogate.—Altering Local Act.
6. Harrogate.—Extending borrowing powers.
7. Henley-on-Thames.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
8. Kingston-upon-Hull.— Do. Do.
9. Litchurch.— Do. Do.
10. Malvern.—Altering Local Act.
11. Nelson.— Do.
12. Over Darwen.—Altering Provisional Order applying Public Health Act, 1848, to district.
13. Pensarn.—Extending borrowing powers.
14. Prescot.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.
15. Ramsgate.—Repealing section 2, Local Government Supplemental Act, 1866 (No. 4), which limits rating powers of local board.
16. Redcar.—Altering boundaries of district.
17. St. Leonards.—Altering parts of Local Act.
18. Stamford.—Partially repealing and altering Local Act.
19. Tottenham.—Altering Order in Council applying Public Health Act, 1848, to district.
20. Ware.—Extending borrowing powers.
21. Widnes.— Do. Do.
22. Wimbledon.—Putting in force Lands Clauses Consolidation Act, 1845, for the purchase and taking of lands otherwise than by agreement.

A.D. 1871.

ACTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the district of the Acton Local Board, for the purchase of lands by the said board for purposes of road widening and street improvements.

WHEREAS the Local Board in and for the district of Acton, in the county of Middlesex, have, in pursuance of the provisions of the seventy-fifth section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land required for road widening and street improvements within their district:

And whereas the said petition duly set forth in the schedule annexed thereto the pieces of land intended to be taken by such board for such purposes, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esquire, the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of Acton, in the county of Middlesex, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purposes hereinbefore set forth and described.

Given under my hand, this first day of June one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

A.D. 1871.

SCHEDULE referred to in the preceding Order.

The Pieces of Land proposed to be taken as described in the foregoing Order are the following; and the numbers in column 1 refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description.	Owners.	Lessees.	Occupiers.
1	Two pieces of land, roadway, and shed, abutting on Horn Lane and Churchfield Road, containing 8¼ rods or thereabouts.	Edmund Richards and Robert Stephen Harris, or one of them.	Robert Stephen Harris.	—
3	A piece of meadow land and yard on the north side of Mill Hill Terrace, within the said district, containing 12½ rods or thereabouts.	The Misses Shepherd -	John Stockley and Frederick Clifton.	Frederick Clifton.
4	Part of the land or road called Mill Hill Terrace, within the said district, containing 15 rods or thereabouts.	Harry Hanslip Lawrence.	—	—

ALTRINCHAM.

Provisional Order for altering the Order in Council applying the Public Health Act, 1848, to the district of Altrincham, in the county of Chester.

WHEREAS by an Order of Her most Gracious Majesty in Council, bearing date the eleventh day of February one thousand eight hundred and fifty-one, made under the provisions of the Public Health Act, 1848, the said Public Health Act was duly applied to the district of Altrincham in the county palatine of Chester:

And whereas by such Order as aforesaid the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at nine, the entire number to be elected for the whole of such district:

And whereas the Local Board of Health for the said district have, in pursuance of the Local Government Act, 1858, (sect. 77,) presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Order, in so far as such Order relates to the number of members to constitute the Local Board of Health for such district:

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said district in respect of the matters mentioned in the said petition:

A.D. 1871.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct, that from and after the passing of any Act of Parliament confirming this Order,—

1. The number of members to constitute the Local Board of Health for the district of Altrincham, after the next election, shall be twelve, anything in the herein-before recited Order, bearing date the eleventh day of February one thousand eight hundred and fifty-one, to the contrary notwithstanding.
2. The three additional members shall be elected at the next annual election.
3. One third in number of the twelve members to so constitute the Altrincham Local Board of Health shall annually go out of office on the usual day for the retirement of members of such Local Board; such one third to retire to be arranged by the Local Board of Health aforesaid.

Given under my hand, this twenty-second day of May one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

BOGNOR.

Provisional Order for the partial repeal, and alteration of parts, of Local Acts in force within the district of the Bognor Local Board.

WHEREAS the Local Board for the district of Bognor, in the county of Sussex, in which the Local Government Act, 1858, is in force, have in pursuance of such Act presented a petition to me as one of Her Majesty's Principal Secretaries of State, under the powers conferred upon them in that behalf by the 77th section of the said Act, praying for the partial repeal and alteration of parts of certain Local Acts of Parliament in force within the said district having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their pecuniary benefit, that is to say:—

An Act passed in the third year of the reign of His Majesty King George the Fourth, intituled, "An Act to establish a market for the sale of butchers' "meat and other articles, and to repair and amend certain roads in the "town or tything of Bognor in the county of Sussex:"

An Act passed in the sixth year of the reign of His Majesty King George the Fourth, intituled, "An Act to amend an Act passed in the third year "of His present Majesty, intituled, 'An Act to establish a market for the "'sale of butchers' meat and other articles, and to repair and amend "'certain roads in the town or tything of Bognor in the county of

" 'Sussex'; and for making a road along the sea coast, and for otherwise A.D. 1871.
" improving the said town or tithing:"

An Act passed in the sixth year of the reign of His Majesty King William the Fourth, intituled, "An Act for paving, lighting, watching, and otherwise
" improving the town of Bognor in the county of Sussex, and for amending
" and enlarging two Acts of Parliament passed in the third and sixth years
" of the reign of His late Majesty King George the Fourth relating to
" the said town:"

And whereas by a Provisional Order dated the 10th day of June 1867 confirmed by "The Local Government Supplemental Act, 1867 (No. 5)," the said Local Acts were altered and partially repealed:

And whereas it appears expedient to issue a Provisional Order in relation to the matters of the said petition, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers by the Local Government Act, 1858, vested in me, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The liability to rate or duty and the right to drawback and all the other provisions of and in relation to coal, culm, and coke, ashes and cinders, brought into the district by sea, in or under any of the said Local Acts shall extend and apply to all coal, culm, or coke, ashes or cinders, brought into the district by land, and all liabilities imposed and all acts and formalities required by the said Local Acts on and of persons bringing coal, culm, and coke, ashes and cinders, into the said district shall extend and be taken and deemed to apply to persons bringing such coal, culm, or coke, ashes or cinders, into the district by land, and all the rights, powers, and duties of the Local Board, acting as commissioners under the said Acts for enforcing the payment of such rates or duties in the case of coal, culm, and coke, ashes or cinders, brought into the district by water, shall extend and apply to the enforcing of such payment in respect of coal, culm, and coke, ashes or cinders brought into the district by land.
2. Every person selling any coal, culm, or coke, ashes or cinders, for consumption out of the district, shall make a daily return to the Local Board of the amount so sold and persons to whom sold, in a form to be prescribed by the Local Board.
3. All the powers of distraint of ship furniture and cargo given by any of the said Acts shall, in the case of coals, culm, or coke, ashes or cinders, brought by land, extend and apply to the vehicles and their furniture bringing coal, culm, or coke, ashes or cinders, by land into the said district
4. The Local Board shall have power to erect toll-bars and weighing and measuring machines for the purpose of collecting the duty on coals, culm, coke, ashes, and cinders brought into the district by land, and all the powers given for purchase of lands by the Public Health Act shall apply to the purchase of lands for such erections, and to appoint and pay collectors for the purpose of such collection and for the weighing and

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measuring of the coal, coke, culm, ashes, and cinders so brought as aforesaid, and the persons in charge of vehicles conveying such coal, coke, culm, ashes, or cinders shall permit and, if required, assist in such weighing and measuring, under a penalty not exceeding five pounds for each refusal so to assist, or for every misrepresentation of the weight or quantity of coal, coke, culm, ashes, or cinders in his vehicle.

5. Any person bringing in coal, coke, culm, ashes, or cinders through the said bars shall deliver to the collector or officer of the said Board a ticket, in a form to be prescribed by the Local Board, stating the quantity so brought, under a penalty not exceeding forty shillings for each omission so to deliver; and any person bringing in coal, coke, culm, ashes, or cinders through the said bars, and not paying or tendering to the collector or officer of the said board the duty payable in respect thereof, shall be considered to have refused to pay the same.

6. No coal, coke, culm, ashes, or cinders shall be brought by land into the district except through the said bars so long as they are maintained, under a penalty of not more than five pounds for every such offence, and a payment of a sum not exceeding ten shillings for every hundredweight of coal or culm and eight shillings for every bushel of coke, ashes, or cinders so brought, in addition to the payment of the duty chargeable on the said coal, culm, coke, ashes, or cinders brought in through the said bars under this Order.

7. Every driver of any vehicle carrying coals, culm, coke, ashes, or cinders shall carry with him a set of weights and scales, suitable for weighing coal, culm, and coke, and a bushel measure for the measurement of ashes and cinders, and shall deliver to the purchaser or his servant a printed or written ticket, stating the quantity sold to such purchaser, under a penalty not exceeding forty shillings.

8. All coals and culm shall be delivered to purchasers in sacks holding one hundredweight, or one and a half bushels of coke, ashes, or cinders, and the driver of any vehicle carrying such coal, culm, coke, ashes, or cinders shall be bound to weigh gratis, if required, the contents of any two sacks at the option of the purchaser or his servant, under a penalty not exceeding forty shillings.

9. From the confirmation of this Order till the toll-bars are erected as aforesaid, or after their discontinuance, every owner of coals, culm, coke, ashes, or cinders brought into the district by land in any way whatsoever, shall, within twenty-four hours after the same are so brought, tender to the officer of the Local Board appointed to receive the same, between 7 a.m. and 7 p.m., the duty payable in respect thereof, with an account in writing of the quantity so brought in, under a penalty of not more than five pounds for every such offence, and a payment of a sum not exceeding ten shillings for every hundredweight of coal or culm and eight shillings for every bushel of coke, ashes, or cinders so brought.

10. In case of nonpayment of duty unpaid under the terms of any of the said Local Acts, or this Order, the Local Board may recover duty so unpaid, with full costs of suit, by proceedings against the owner in the Superior Courts, or in any county court within twenty miles of the

office of the Local Board, and may recover and appropriate penalties under any of the said Local Acts or this Order in the same manner as penalties under the Local Government Act, 1858. A.D. 1871.

Given under my hand, this thirty-first day of May in the year one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

BOLTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the district of the Bolton Local Board of Health, for the purchase of lands by the said Board for Street Improvements.

Whereas the mayor, aldermen, and burgesses of the borough of Bolton in the county of Lancaster, by the council of the said borough, acting as the Local Board of Health in and for the said borough, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land for the purpose of widening, altering, and improving certain streets within the aforesaid borough:

And whereas the said petition, and the schedules thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such Board; and such petition prayed that the said Board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esq., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The aforesaid Local Board of Health for the district of the borough of Bolton in the county of Lancaster shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act,

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1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein-before set forth and described.

Given under my hand, this fifth day of June one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The PIECES of LAND proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

PART I.—OLD ACRES IMPROVEMENT.

MAWDSLEY STREET.

Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
1	House, outbuildings, and yard.	George Wareing Ormerod, and John Silcock, Hester Dawes, Peter Liptrott.	Peter Liptrott -	John Lee.
2	House, outbuildings, and yard.	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Frances Matthews, George Ferguson, Agent.	Frances Matthews -	Thomas Isherwood.
3	House, outbuildings, and yard.	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Frances Matthews, George Ferguson, Agent.	Frances Matthews -	Denis Byrne.
4	House, outbuildings, and yard.	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Frances Matthews, George Ferguson, Agent.	Frances Matthews -	Alexander Jones.
5	School - -	Peter Liptrott, James Haddock, William Brown, William Watson, William Horrocks, William Harper, John Smith, William Walsh, Samuel Hunt, Joseph Hayes, James Wimpenny, and William Dixon.	James Haddock, William Brown, William Watson, William Horrocks, William Harper, John Smith, William Walsh, Samuel Hunt, Joseph Hayes, James Wimpenny, and William Dixon.	James Haddock, William Brown, William Watson, William Horrocks, William Harper, John Smith, William Walsh, Samuel Hunt, Joseph Hayes, James Wimpenny, and William Dixon.

CHANCERY LANE.

6	Passage and privies.	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Frances Matthews, George Ferguson, Agent.	Frances Matthews -	Thomas Isherwood, Denis Byrne, Alexander Jones, John Pennington, Jane Heywood, and John Wain.
7	Stable - - -	George Wareing Ormerod, and John Silcock, Hester Dawes, Peter Liptrott.	Peter Liptrott -	John Tillotson and William Frederick Tillotson.

Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
8	House - -	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Frances Matthews, George Ferguson, Agent.	Frances Matthews -	John Pennington.
9	House - -	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Frances Matthews, George Ferguson, Agent.	Frances Matthews -	Jane Heywood.
10	House - -	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Frances Matthews, George Ferguson, Agent.	Frances Matthews -	John Wain.
11	Passage -	Elizabeth Heywood, William Shawcross, and Charles Wolfenden, Frances Matthews, George Ferguson, Agent.	Frances Matthews -	Thomas Isherwood, Denis Byrne, Alexander Jones, John Pennington, Jane Heywood, and John Wain.
	Lottery Row.			
12	House - -	John Bray, Sarah Bray, and Samuel Bray, Mary Wharton.	Mary Wharton -	John Kirkman.
	Chancery Lane.			
13	House - -	Marie Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	Robert Mann.
14	House - -	Marie Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	Jeremiah Buckley.
15	House - -	Maria Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray Sarah Bray, and Samuel Bray.	Elijah Astley.
16	House - -	Maria Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	James Rylands the younger.

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Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
17	Passage -	John Bray, Sarah Bray, and Samuel Bray.	- - -	Robert Mann, Jeremiah Buckley, Elijah Astley, James Rylands the younger, James Rylands the elder, Samuel Birch, Thomas Grime, Michael Callan, James Partington, Thomas Blackburn, Henry Fegan, Andrew Bolan, William Darwin, John Maugham, Elizabeth Williams, James Schofield, John Bray, and Allen Shaw.
18	House - -	John Bray, Sarah Bray, and Samuel Bray.	- - -	William Darwin.
19	House - -	John Bray, Sarah Bray, and Samuel Bray.	- - -	John Maugham.
		OLD ACRES.		
20	House - -	John Bray, Sarah Bray, and Samuel Bray.	- - -	Elizabeth Williams.
21	House - -	John Bray, Sarah Bray, and Samuel Bray.	- - -	James Schofield.
		MAKINSON SQUARE.		
21a	House - -	John Bray, Sarah Bray, and Samuel Bray.	- - -	Andrew Bolan.
		OLD ACRES.		
22	House - -	John Bray, Sarah Bray, and Samuel Bray.	- - -	John Bray.
23	House - -	John Bray, Sarah Bray, and Samuel Bray.	- - -	Allen Shaw.
24	Yard and privies	John Bray, Sarah Bray, and Samuel Bray.	- - -	John Bray and Allen Shaw.
		MAKINSON SQUARE.		
25	House - -	Marie Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	James Rylands the elder.
25	House - -	Marie Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Symuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	Samuel Birch.

Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
27	House - -	Marie Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	Thomas Grime.
28	House - - -	Marie Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	Michael Callan.
29	House - -	Marie Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	James Partington.
30	House - -	Marie Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	Thomas Blackburn.
31	House - -	Marie Zelie Rowbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	Henry Fegan.
		Lottery Row.		
32	House - -	John Bray, Sarah Bray, and Samuel Bray, Mary Wharton.	Mary Wharton -	Robert Roscoe.
33	House - -	John Bray, Sarah Bray, and Samuel Bray, Mary Wharton.	Mary Wharton -	John Gibbins.
34	House - -	John Bray, Sarah Bray, and Samuel Bray, Mary Wharton.	Mary Wharton -	James Moore.

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Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
		MAKINSON SQUARE.		
35	Yard and privies	Marie Zelie Rawbottom, Robert Marsden Latham, William Henry Ainsworth, George Gordon Wilder, and Paynton Pigott, John Bray, Sarah Bray, and Samuel Bray.	John Bray, Sarah Bray, and Samuel Bray.	Robert Mann, Jeremiah Buckley, Elijah Astley, James Rylands the younger, James Rylands the elder, Samuel Birch, Thomas Grime, Michael Callan, James Partington, Thomas Blackburn, Henry Fegan, Andrew Bolan, William Darwin, John Maugham, Elizabeth Williams, James Schofield, John Bray, and Allen Shaw.
		NEW ROW.		
36	House - -	Peter Crompton, George James Healey, agent.	- - -	Betty Barnes.
37	House - -	Peter Crompton, George James Healey, agent.	- - -	Isaac Brooks.
38	House - -	Richard Holden - -	- - -	James Haw.
39	House - -	Richard Holden - -	- - -	James Stephenson.
40	House - -	Richard Holden - -	- - -	Thomas Gannon.
41	House - -	Ralph Howcroft, Peter Howcroft, and James Howcroft, John Bromley, agent.	- - -	Mary Hiton.
42	House - -	Ralph Howcroft, Peter Howcroft, and James Howcroft, John Bromley, agent.	- - -	John Dawson.
43	House - -	Ralph Howcroft, Peter Howcroft, and James Howcroft, John Bromley, agent.	- - -	Thomas Dawson.
44	House - -	Ralph Howcroft, Peter Howcroft, and James Howcroft, John Bromley, agent.	- - -	William Wain, Frances Kent Roberts.
45	House - -	Ralph Howcroft, Peter Howcroft, and James Howcroft, John Bromley, agent.	- - -	Patrick Welsh.
46	House - -	Miles Gerrard - -	- - -	Thomas Reddy.
47	House - -	Miles Gerrard - -	- - -	John Bolling.
48	House - -	Rowland Hall, Elizabeth Hall, William Frederick Ainsworth, agent.	- - -	Maria Horrobin.

Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
		Bradshawgate.		
49	Beerhouse -	Roger Haslam, Mary Haslam.	- - -	Thomas Fletcher.
49a	Brewhouse and yard.	Rowland Hall, Elizabeth Hall.	- - -	Thomas Fletcher.
50	House and shop	Rowland Hall, Elizabeth Hall.	- -	Margaret Birchby.
51	House and shop	Rowland Hall, Elizabeth Hall.	- - -	Robert Horrocks.
		New Row.		
52	Yard - -	Rowland Hall, Elizabeth Hall.	- - -	Robert Horrocks and Margaret Birchby.
		Bradshawgate.		
52a	Passage -	Daniel Henshaw, Martha Rollinson.	- - -	Public.
53	House and shop	Daniel Henshaw, Martha Rollinson.	- - -	Thomas Rollinson.
		New Row.		
54	Yard - -	Daniel Henshaw, Martha Rollinson.	- - -	Thomas Rollinson.
55	House - -	Maria Hibbert, George Ferguson, agent.	- - -	Mary Barnes.
56	Privies and ash-pits.	Maria Hibbert, George Ferguson, agent, Ralph Howcroft, Peter Howcroft, and James Howcroft, John Bromley, agent.	- - -	Mary Barnes, William Gent, Ellen Skelly, Catherine Steward, Henry Dawson.
57	House - -	Ralph Howcroft, Peter Howcroft, and James Howcroft, John Bromley, agent.	- -	William Gent.
58	House - -	Ralph Howcroft, Peter Howcroft, and James Howcroft, John Bromley, agent.	- - -	Ellen Skelly.
59	House - -	Peter Rothwell Arrowsmith, Thomas Kay, agent.	- - -	Thomas Finerty.
60	House - -	Maria Hibbert, George Ferguson, agent.	- -	Catherine Steward.
60a	House - -	Maria Hibbert, George Ferguson, agent.	- - -	Henry Dawson.
61	Passage - -	Maria Hibbert, George Ferguson, agent.	- - -	Catherine Steward, Henry Dawson, George Ainsworth, Maria Hardman, Robert Hampson, and John Taylor.

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Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
62	House	John Taylor		Joseph Horrocks.
63	Weaving works	John Taylor		Joseph Horrocks.
64	House	Peter Crompton, George James Healey, agent.		Martha Green.
65	House	Peter Crompton, George James Healey, agent.		George Smedley.
65a	Vacant land and privies.	Peter Crompton, George James Healey, agent.		Betty Barnes, Isaac Brooks, Martha Green, and George Smedley.
		COURT NO. 3, OLD ACRES.		
66	Weaving works	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.		John Mitchell and Joseph Horrocks.
67	House	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.		Falk Jones.
68	Part of house	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.		John Taylor.
68a	Vacant land and privies.	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.		John Mitchell, Joseph Horrocks, Falk Jones, William Taylor, Isabella Hargreaves, Christiana Greenhalgh, Peter Kevil, and John Taylor.
		OLD ACRES.		
69	Warehouse	John Gooden		Thomas Gooden.
70	Part of house	John Gooden		William Hampson.
71	House	John Gooden		William Hampson.
72	Warehouse	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.		Isabella Hargreaves.
73	House	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.		William Taylor.
74	House	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.		Christiana Greenhalgh.
75	Passage	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.		John Mitchell, Joseph Horrocks, Falk Jones, William Taylor, Isabella Hargreaves, Christiana Greenhalgh, Peter Kevil, and John Taylor.

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Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
76	House and shop	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.	- - -	Peter Kevil.
77	House - -	Marie Zelie Rowbottom, and Lever Robert Rowbottom, Thomas Baron, agent.	- - -	John Taylor.
78	House and shop	Maria Hibbert, George Ferguson, agent.	- - -	Maria Hardman.
79	House - -	Maria Hibbert, George Ferguson, agent.	- - -	Robert Hampson.
80	House - -	Maria Hibbert, George Ferguson, agent.	- - -	John Taylor.
81	House - -	Charles Wolfenden -	- - -	James Haddock.
82	Passage -	Maria Hibbert, George Ferguson, agent.	- - -	James Moran, William Cook, and William Scully.
83	House - -	Maria Hibbert, George Ferguson, agent.	- - -	James Moran.
84	House - -	James Bromiley, Robert Kenyon.	- - -	Mary Ingham.
85	Passage - -	James Bromiley, Robert Kenyon.	- - -	Mary Ingham, John Thorne, Jane Dickinson, and Edward Rushton.
		Bradshawgate.		
86	House and shop	James Bromiley, Robert Kenyon.	- - -	John Thorne.
87	House and shop	James Bromiley, Robert Kenyon.	- - -	Jane Dickinson.
88	Shop - -	James Bromiley, Robert Kenyon.	- - -	Edward Rushton.
89	House and shop	Maria Hibbert, George Ferguson, agent.	- - -	William Cook.
90	House and shop	Maria Hibbert, George Ferguson, agent.	- - -	William Scully.
91	Part of house -	Maria Hibbert, George Ferguson, agent.	- - -	William Scully.
92	Yard - -	Maria Hibbert, George Ferguson, agent.	- - -	William Cook and William Scully.
93	Warehouse and yard.	Maria Hibbert, George Ferguson, agent.	- - -	William Cook.
		Off Old Acres.		
94	Bakehouse -	Maria Hibbert, George Ferguson, agent.	- - -	William Scully.
94a	Stable - -	Maria Hibbert, George Ferguson, agent.	- - -	William Cook.

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Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
		COURT off NEW ROW.		
95	Weaving works	Maria Hibbert, George Ferguson, agent.	- - -	George Ainsworth.
96	Yard - -	Maria Hibbert, George Ferguson, agent.	- - -	Catherine Steward, Henry Dawson, George Ainsworth, Maria Hardman, Robert Hampson, and John Taylor.
		Off OLD ACRES.		
97	Yard - -	James Bromily Robert Kenyon.	- - -	Mary Ingham, John Thorne, Jane Dickinson, and Edward Rushton.
		COURT No. 7, OLD ACRES.		
102	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	Thomas Waites.
103	House - -	Mary Pilkington, Peter Martin, and John Harwood.	- - -	Thomas Rostron.
104	House - -	Margery Cron, John Bromley, agent.	- - -	John Hulme.
105	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	Thomas Harrison.
		OLD ACRES.		
106	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	Sarah McCormick.
107	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	Thomas Horrocks.
108	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	William Nelson.
109	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	William Fairhurst.
		COURT No. 6, OLD ACRES.		
110	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	Mary Davies.
111	Court or yard -	Robert Walker Pitfield, George Ferguson, agent.	- - -	John Hulme, Sarah McCormick, Thomas Horrocks, Mary Davies, Edward Wilson, Jane Renwick, James Wilson, and George Pitchford.
112	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	George Pitchford.
113	House and weaving works.	Robert Walker Pitfield, George Ferguson, agent.	- - -	Edward Wilson.

Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
114	Passage - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	John Hulme, Sarah McCormick, Thomas Horrocks, Mary Davies, Edward Wilson, Jane Renwick, James Wilson, and George Pitchford.
		Old Acres.		
115	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	Henry Grundy.
116	House - -	Hugh Chadwick, Robert Walker Pitfield, George Ferguson, agent.	Robert Walker Pitfield.	William Henry Dickinson.
116a	House - -	Hugh Chadwick, Robert Walker Pitfield, George Ferguson, agent.	Robert Walker Pitfield.	John Kilburn.
		Court No. 4, Old Acres.		
117	House - -	Helme Horrocks - -	- - -	Martha Needham.
118	House - -	Helme Horrocks - -	- - -	Roger Toole.
		Court No. 6, Old Acres.		
119	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	Jane Renwick.
120	House - -	Robert Walker Pitfield, George Ferguson, agent.	- - -	James Wilson.
121	Passage, yard, and privies.	Robert Walker Pitfield, George Ferguson, agent.	- - -	John Hulme, Sarah McCormick, Thomas Horrocks, Mary Davies, Edward Wilson, Jane Renwick, James Wilson, and George Pitchford.
		Court No. 4, Old Acres.		
122	Passage, court-yard, and privies.	Hugh Chadwick, John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory, Helme Horrocks.	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory, Helme Horrocks.	Martha Needham, Roger Toole, Thomas Chadwick, William Douglas, Noah Holden, Thomas Hesketh, Robert Atkinson, John Roden, Jane Harper, John Seed, and Ann Ray.
123	House - -	Hugh Chadwick, John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory, and Ellen Gregory.	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory.	Thomas Chadwick.

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Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
124	House - - -	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory, and Ellen Gregory.	- - -	William Douglas.
		OLD ACRES.		
125	House - -	Robert Kenyon and Alice Kenyon, George Ferguson, agent.	- - -	Henry Wilson.
126	House - -	Robert Kenyon and Alice Kenyon; George Ferguson, agent.	- - -	William Parkinson.
127	House - -	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory.	- - -	Noah Holden.
127a	House - -	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory.	- -	Thomas Hesketh.
128	House - -	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory.	- - -	Robert Atkinson.
		COURT NO. 4, OLD ACRES.		
129	House - -	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory.	- - -	John Roden.
130	House - -	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory.	- - -	Jane Harper.
131	House - -	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory.	- - -	John Seed.

Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
132	House	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory.	-	Ann Ray.
133	Yard	John Hesketh, Thomas Thistlethwaite, James Hesketh, William Thistlethwaite, Elizabeth Thistlethwaite, John Gregory and Ellen Gregory.	-	Thomas Chadwick, William Douglas, Noah Holden, Thomas Hesketh, Robert Atkinson, John Roden, Jane Harper, John Seed, and Ann Ray.
		Old Acres.		
134	House and Yard	George Birchby	-	John Tong.
135	House	George Birchby	-	Edward Hoyles.
136	Passage	George Birchby	-	John Tong, Edward Hoyles, Michael Doran, Robert Hampson, John Connolly, Patrick Coghlan, Thomas Moores, and Thomas Hunter.
137	House	Elizabeth Riley and Robert Riley, John Winstanley, agent.	-	Michael Doran.
138	House	George Birchby	-	Charles Ainscough.
139	House	George Birchby	-	Edward Holland.
140	Passage	George Birchby	-	Charles Barrow, Charles Ainscough, Edward Holland, Thomas Lee, Mary Isherwood.
141	Beerhouse	George Birchby	-	Charles Barrow.
		Bradshawgate.		
142	Public house, brewhouse, outbuildings, and yard.	Harriett Johnson	-	William Bridge.
143	Shop	Harriett Johnson	-	James Parkinson.
144	Part of shop	Harriett Johnson	-	James Parkinson.
145	Yard	Harriett Johnson	-	William Bridge.
146	House, shop, and yard.	Harriett Johnson	-	James Barrow.
147	House and shop	John Stanning, George Dutton, and Mary Dutton.	-	James Lomax.

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Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
148	House and shop	John Stanning, George Dutton, and Mary Dutton.	- - -	John Fallows.
149	House and shop	John Stanning, George Dutton, and Mary Dutton.	- - -	Thomas Fowler.
150	Public house -	Samuel Calland, William Flitcroft.	William Flitcroft -	Robert Jackson.
151	Yard and privy -	Samuel Calland, William Flitcroft.	William Flitcroft -	Robert Jackson.
151a	Part of house -	Samuel Calland, William Flitcroft.	William Flitcroft -	Robert Jackson.
152	Washhouse -	John Stanning, George Dutton, and Mary Dutton.	- - -	Thomas Fowler.
153	Yard and privies	John Stanning, George Dutton, and Mary Dutton.	- - -	James Lomax, John Fallows, and Thomas Fowler.
154	Part of house -	John Stanning, George Dutton, and Mary Dutton.	- - -	James Lomax.
155	Washhouse and store room.	Harriett Johnson -	- - -	William Bridge.
		COURT No. 1, OLD ACRES.		
156	Washhouse -	George Birchby -	- - -	Charles Barrow.
157	Part of house -	George Birchby -	- - -	Charles Barrow.
158	House -	George Birchby -	- - -	Thomas Lee.
159	Washhouse -	George Birchby -	- - -	Thomas Lee.
160	House -	George Birchby -	- - -	Mary Isherwood.
		SHAKESPEAR COURT.		
161	Stable -	Samuel Calland, William Flitcroft.	William Flitcroft -	Empty.
161a	House -	Samuel Calland, William Flitcroft.	William Flitcroft -	Robert Lever.
		COURT No. 1, OLD ACRES.		
162	Yard and privies	George Birchby - -	- - -	Charles Barrow, Charles Ainscough, Edward Holland, Thomas Lee, Mary Isherwood.
163	Part of house -	George Birchby - -	- - -	Edward Holland.
163a	Room - -	George Birchby - -	- - -	Charles Barrow.
164	Part of house -	George Birchby - -	- - -	Charles Ainscough.
165	Brewhouse -	George Birchby - -	- - -	Charles Barrow.

Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
		Court No. 2, Old Acres.		
166	House - -	Elizabeth Riley and Robert Riley, John Winstanley, agent.	- - -	Robert Hampson.
167	House - -	Elizabeth Riley and Robert Riley, John Winstanley, agent.	- - -	John Conolly.
168	House - -	George Birchby - -	- - -	Patrick Coghlan.
169	House - -	George Birchby - -	- - -	Thomas Moores.
170	House - -	George Birchby - -	- - -	Thomas Hunter.
171	Yard, privies, and ashpits.	George Birchby - -	- - -	John Tong, Edward Hoyles, Michael Doran, Robert Hampson, John Connolly, Patrick Coghlan, Thomas Moores, and Thomas Hunter.
		PART 2.—EXTENSION OF BURNS STREET.		
		Bridgeman Street.		
1	Shop - - -	John Fletcher, William Gray, John Hick, Thomas Ridgway Bridson, and James Cross Ormrod, John Thompson.	John Hick and William Hargreaves, John Thompson, Rachael Eland.	Rachael Eland.
2	House - -	John Thompson - -	- - -	John Norris.
3	House - -	John Thompson - -	- - -	James Booth.
4	House - -	John Thompson - -	- - -	Samuel Tatlock.
5	House and shop	John Thompson - -	- - -	John Howarth.
6	Part of house -	John Thompson - -	- - -	John Howarth.
7	Yard, privies, and ashpit.	John Fletcher, William Gray, John Hick, Thomas Ridgway Bridson, and James Cross Ormrod, John Thompson.	John Hick and William Hargreaves, John Thompson.	John Norris, James Booth, Samuel Tatlock, John Howorth, Henry Burton Pare, Alfred Scowcroft, and Adam Mort.
8	Yard - -	John Fletcher, William Gray, John Hick, Thomas Ridgway Bridson, and James Cross Ormrod, John Thompson.	John Hick and William Hargreaves, John Thompson, Rachael Eland.	Rachael Eland.
		Between Bridgeman Street and Burns Street.		
9	Store yard and sheds.	John Fletcher, William Gray, John Hick, Thomas Ridgway Bridson, and James Cross Ormrod, also the said John Hick and William Hargreaves.	John Hick and William Hargreaves.	William Hargreaves.

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Number on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
PART III.—WIDENING OF BLACKHORSE STREET.				
DEANSGATE.				
1	House, outbuildings, and yard.	Thomas Hibbert, the Reverend Vernon Tipping and Edmund Joseph Tipping, Richard Sefton, John Ramsbotham, agent.	Richard Sefton -	John Trainer.
1c	Cellar - -	Thomas Hibbert, the Reverend Vernon Tipping and Edmund Joseph Tipping, Richard Sefton, John Ramsbotham, agent.	Richard Sefton -	Robert Warbrick.
BLACKHORSE STREET.				
	House - -	Thomas Hibbert, the Reverend Vernon Tipping and Edmund Joseph Tipping, Richard Sefton, John Ramsbotham, agent.	Richard Sefton -	John Bolton.
3	Passage -	Thomas Hibbert, the Reverend Vernon Tipping and Edmund Joseph Tipping, Richard Sefton, John Ramsbotham, agent.	Richard Sefton -	John Trainer, Robert Warbrick, John Bolton, Thomas Finan, John Foster, Thomas Fletcher, James Smith, Martha Pickup, Alfred Stewart, Walter Brown.
4	House - -	Thomas Hibbert, the Reverend Vernon Tipping and Edmund Joseph Tipping, Richard Sefton, John Ramsbotham, agent.	Richard Sefton -	Thomas Finan.
5	Yard and privy -	Thomas Hibbert, the Reverend Vernon Tipping and Edmund Joseph Tipping, Richard Sefton, John Ramsbotham, agent.	Richard Sefton -	John Trainer and John Foster.
6	Passage -	Thomas Hibbert, the Reverend Vernon Tipping and Edmund Joseph Tipping, Richard Sefton, John Ramsbotham, agent.	Richard Sefton -	John Trainer, Robert Warbrick, John Bolton, Thomas Finan, John Foster, Thomas Fletcher, James Smith, Martha Pickup, Alfred Stewart, and Walter Brown.

A.D. 1871.

HARROGATE.

Provisional Order for the Alteration of the Harrogate Improvement Act, 1841, in force within the District of Harrogate, in the County of York, under the Local Government Act, 1858.

Whereas the Local Government Act, 1858, has been duly adopted by the Commissioners for the Improvement of High and Low Harrogate, acting under and by virtue of an Act passed in the fourth year of the reign of Her present Majesty (4 Victoria, c. xvi.), intituled "An Act for improving certain parts of "the townships of Bilton with Harrogate and Pannal, called High and Low "Harrogate, in the west riding of the county of York; for protecting the "mineral springs and regulating the stinted pasture in the said townships:"

And whereas by reason of such adoption the said Local Government Act, 1858, now has the force of law in the district to which the said Improvement Act relates, subject to the provisions of the said Improvement Act in relation to matters provided for in both, and the said Commissioners thereby became the Local Board for the said district:

And whereas it appears desirable to the said Commissioners that certain clauses of the said Improvement Act should be repealed, the same having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit:

And whereas the said Commissioners acting as such Local Board as aforesaid have, under the provisions of the said Local Government Act, 1858, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying that the provisions of the said Act relating to election may be repealed, and that the said Commissioners shall henceforth be elected in the manner provided for the election of Local Boards by the Local Government Act, 1858.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:—

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The following sections of the said Harrogate Improvement Act (4 Vict. cap. xvi.) shall be repealed; that is to say, secs. 4, 6, 7, 8, 9, 10, 11, 14, 15, 16, 19, 20, 21, 22, 23, 25, 27, 29, 30, and 32 of the Act aforesaid.
2. The day of election shall, until otherwise fixed by the said Local Board at their annual meeting, be the sixth day of April in each year.

Given under my hand, this thirty-first day of May one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

A.D. 1871.

HARROGATE.

Provisional Order for extending the Borrowing Powers of the Harrogate Local Board.

WHEREAS the Improvement Commissioners, acting as the Local Board for the district of High and Low Harrogate in the county of York propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for their district, and the said board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board for the district of High and Low Harrogate in the county of York shall have power to borrow for the execution of permanent works, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which when added to the amounts of the loans already sanctioned by him for the said district, shall not exceed in the whole two years' assessable value of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this thirty-first day of May one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

A.D. 1871.

HENLEY-ON-THAMES.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the district of the Henley-on-Thames Local Board for the purchase of Lands by the said Board for Street Improvements.

Whereas the Local Board in and for the district of Henley-on-Thames in the county of Oxford have in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land for the purpose of widening, altering, and improving a certain street within the aforesaid district:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esq., C.E., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The aforesaid Local Board for the district of Henley-on-Thames shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein-before set forth and described.

Given under my hand, this twenty-second day of May one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

A.D. 1871.

SCHEDULE referred to in the preceding Order.

The PIECES of LAND proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

Number on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
2	Five cottages, two yards, two privies, and passage, situate on the western side of Duke Street in Henley-upon-Thames.	Hannah Frewin, widow, and Charles Frewin.	- - -	Henry Brooker, James Irving, Charles Garraway, Richard Holloman, and one cottage unoccupied. (Weekly tenants.)
3	Dwelling-house and shop, two yards, cart-house and stable, workshop, and outbuildings, situate on the western side of Duke Street in Henley-upon-Thames.	The Henley Local Government Board.	James Godwin Fowler.	James Godwin Fowler.
4	Dwelling-house and shop, yard, two workshops, and outbuildings, situate on the western side of Duke Street in Henley-upon-Thames.	Caroline House, widow, and Robert House.	Henry Pike -	Henry Pike.
5	Four cottages, passage, yard, and privy, situate on the western side of Duke Street in Henley-upon-Thames.	Charles John Cooper	- - -	Susannah Gillet, Elizabeth Ives, Harriett Emmett, William Lovegrove. (Weekly tenants.)
7	Two cottages, workshop, yard, privy, and outbuildings, situate on the western side of Duke Street in Henley-upon-Thames.	Edward Jeggins, Samuel Jeggins, and Charles Jeggins.	- - -	Edward Stanbrook and Betsy Ayres, widow. (Yearly tenants.)
10	Three cottages, yard, two sheds, and privies, situate on the western side of Duke Street in Henley-upon Thames.	Hannah Frewin, widow, and Charles Frewin.	- - -	Eliza Giles, Mary Ann Hardy, and Samuel Wise. (Weekly tenants.)
11	Dwelling-house, shop, workshops, yard, garden, gateway, privy, and outbuildings, situate on the western side of Duke Street in Henley-upon-Thames.	Henry Geere -	- - -	Henry Geere.
12	Dwelling-house and shop, yard, two gardens, stable, coach-house, and shed, lofts, privy, and outbuildidgs, situate in Duke Street and the Market-place in Henley-upon-Thames.	William Forrester Portello.	- - -	Henry Stubbs. (Yearly tenant.)

Number on Plan.	Description of Lands, Messuages, Buildings, and Premises.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
13	Two dwelling-houses and shops, yards, privies, and outbuildings, situate in Duke Street and the Market-place, in Henley-upon-Thames.	The Mayor, Aldermen, Bridgemen and Burgesses of Henley-upon-Thames, as trustees of Humphry Newbury's charity.	James Thackara and James Baggalley.	James Thackara and James Baggalley.

KINGSTON-UPON-HULL.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the borough of Kingston-upon-Hull, for the purchase of lands by the Local Board of Health of the aforesaid borough for Street Improvements.

Whereas the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull, in their capacity of Local Board of Health for the district of the said borough, have in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land for the purpose of widening, altering, and improving certain streets within the aforesaid district as set forth and described in such petition:

And whereas the said petition, and the schedules thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Morgan, Esq., C.E., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

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That from and after the passing of any Act of Parliament confirming this Order,—

1. The aforesaid Local Board of Health for the district of Kingston-upon-Hull shall be empowered to put in force, with reference to the land referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein-before set forth and described.

Given under my hand, this twenty-second day of May one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

SCHEDULES referred to in the preceding Order.

The PIECES of LAND proposed to be taken as described in the foregoing Order are the following, and the numbers in column one in the second schedule refer to those on the plan accompanying the petition of the Local Board aforesaid.

The FIRST SCHEDULE referred to.

A piece of ground situate on the north side of the south church side, in the borough of Kingston-upon-Hull, part of the disused churchyard of the parish church of Holy Trinity, in the said borough, extending along the whole south side of such ground, and containing by admeasurement 881 square yards or thereabouts.

Another piece of ground situate on the south side of the north church side, in the borough of Kingston-upon-Hull, other part of the disused churchyard of the said parish church of Holy Trinity, in the said borough, extending along the whole north side of such ground, and containing by admeasurement 501 square yards or thereabouts.

The SECOND SCHEDULE referred to.

No. on Plan.	Description of Property proposed to be taken.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
1	A piece of land situate in Sculcoates, extending from Church Street in the said parish to the west bank of the River Hull.	James Young and Arthur Levett as the surviving trustees of George Jackson, deceased.	- - -	Simpson and Malone as to part, the remainder being unoccupied.
2	Foreshore of the River Hull.	Same - -	- - -	Same.
3	Half of the River Hull -	Same.		

No. on Plan.	Description of Property proposed to be taken.	Names of Owners or reputed Owners.	Names of Lessees or reputed Lessees.	Names of Occupiers.
4	Half of the River Hull -	George Foster Earle, Edwd. Earle, and Foster Earle, and Mary Ann Shackles, Ellen Jane Armstrong Shackles, Thomas John Shackles, and Mary Ann Elizabeth Shackles.		
5	Foreshore of the River Hull.	Same.		
6	A piece of land situate in Wilmington Lane, Sutton, and extending from such lane to the east bank of the River Hull.	George Foster Earle and Edward Earle and Foster Earle.	- - - -	Unoccupied.
7	A piece of land adjoining the above, with buildings thereon, in Wilmington Lane aforesaid, and extending from thence to the east bank of the River Hull.	Mary Ann Shackles, Ellen Jane Armstrong Shackles, Thomas John Shackles, and Mary Ann Elizabeth Shackles.	Close and Petch -	Close and Petch.

LITCHURCH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the district of the Litchurch Local Board, for the purchase of lands by the said Board to form Wharves for the Sewage Works.

Whereas the Local Board in and for the district of Litchurch, in the county of Derby, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land required to form wharves and for other purposes in connection with their filter station and sewage works:

And whereas the said petition duly set forth in the schedule annexed thereto the pieces of land intended to be taken by such board for such purposes, as shown in the plan accompanying such petition, and the names of the owners, lessees, and occupiers of the aforesaid lands who have assented, dissented, and are neuter in respect of the taking thereof, and such petition prayed that the said Board might, with reference to such lands, be allowed to put in force the

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powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Rawlinson, C.B., the Inspector appointed for the purpose, to visit the said district, and the said Inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported to me thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The Local Board for the district of Litchurch, in the county of Derby, shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purposes herein-before set forth and described.

Given under my hand, this twenty-second day of May one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The PIECES of LAND proposed to be taken as described in the foregoing Order are the following; and the numbers in colnmn 1 refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description.	Owners.	Lessees.	Occupiers.
1	1120 yards of land situate on the east side of the Derby and Swarkeston Canal.	The Derby Canal Company.	- - -	The Litchurch Local Board.
2	1660 yards of land situate on the west side of the said canal.	The Derby Canal Company.	- - -	The Litchurch Local Board.

MALVERN.

Provisional Order for partially repealing and amending The Malvern Improvement Act, 1851, and for other purposes.

Whereas the Commissioners acting in execution of the Malvern Improvement Act, 1851 (herein-after called the First Local Act), and the Malvern Improvement Amendment Act, 1858 (herein-after called the Second Local Act), duly adopted for that part of the parish of Great Malvern in the county of Worcester which is within the limits set forth and described in the First Local Act, the Local Government Act, 1858, except the sections thereof numbered respectively 54, 55, and 56:

And whereas the said Commissioners acting as the Local Board for the said Malvern District have, in pursuance of section 77 of the Local Government Act, 1858, presented to one of Her Majesty's Principal Secretaries of State a petition praying for the alteration, amendment, and partial repeal of the First Local Act, being an Act in force within the district having relation to the purposes of the said Local Government Act, 1858, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit, and that other provisions should be enacted in lieu thereof, and that a Provisional Order for the purpose should accordingly be made:

And whereas in pursuance of the Local Government Act, 1858, inquiry has been directed in the said district in respect of the several matters mentioned in the said petition, and held by Arnold Taylor, Esquire, the inspector appointed or the purpose, and he has reported to me thereon:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, 1858, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct—

That from the expiration of twelve calendar months next after the day of the passing of the Act confirming this Order, or at such earlier period as shall be determined by a resolution of the Local Board at a special meeting duly convened and held for that purpose:—

1. Sections 40, 43, 45, and 49 of the First Local Act shall be repealed:
2. Sections 6 to 12, both inclusive, 14 to 53, both inclusive, and 61 to 75, both inclusive, of "The Waterworks Clauses Act, 1847," shall be no longer taken to be incorporated with or to form part of the First Local Act:
3. The expressions "the waterworks" and "apparatus" contained in "The Waterworks Clauses Act, 1847 and 1863," in addition to their ordinary meaning or the meaning thereby assigned to them, shall mean and include, for the purposes of the First Local Act, any meter or connexion therewith used for the supply of water, and the expression "water rent," contained in this Order, shall include any payment to be made to the Local Board

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for providing, fixing, repairing, and maintaining any meter or pipe or fitting attached or belonging thereto:

4. The Act confirming this Order shall, for the purposes of "The Waterworks Clauses Acts, 1847 and 1863," be deemed to be "The Special Act:"

5. No waterworks rate shall be made, assessed, or levied within the above-mentioned district, but only one rate, called "the general district rate," to include all purposes; and the Local Board shall supply water within the said district for domestic purposes by measure, to be ascertained by meter:

6. All monies received by the Local Board for water rents shall be applied for the purposes for which, under the First Local Act, the waterworks rate were applicable, as well as for the purposes for which any general district rate made under the Local Government Act, 1858, is applicable, notwithstanding the provisions contained in the Malvern Provisional Order, dated the tenth day of June one thousand eight hundred and sixty-seven, confirmed by the Local Government Supplemental Act, 1867, (No. 5:) Provided that if such monies shall not be sufficient to satisfy the purposes for which, under the said First Local Act, the waterworks rate were liable, the same shall be made good out of the general district rate:

7. The Local Board shall, at the request of the owner or occupier of any house and premises in any street within their district in which any water pipe of the Local Board shall be laid, furnish to such owner or occupier a supply of water for domestic purposes, and the rent for such supply shall be ascertained and determined by a meter to be provided by the Local Board, and be called water rent, and such meter and all necessary pipes and fittings shall be provided, fixed, repaired, and maintained by the Local Board at the expense of the person requiring such supply:

8. The rent for the supply of water to all houses and premises of more than ten pounds rateable value shall not exceed one shilling for every thousand gallons of water supplied. The rent for the supply to all houses and premises of ten pounds rateable value and under shall not exceed sixpence for every thousand gallons of water supplied. The rent shall accrue due daily, but be collected at such times as the Local Board shall from time to time determine: Provided that the limit herein-before fixed shall not include any sum of money payable to the Local Board for providing fixing, repairing, and maintaining meters, and the pipes and fittings connected therewith:

9. When the rateable value of any premises supplied or to be supplied with water shall not exceed ten pounds, or when premises shall be let to monthly or weekly tenants or in separate apartments, or when the rents become payable or are collected at any shorter period than quarterly, the owner instead of the occupier shall pay the water rent, but the water rent may be recovered in the first instance from the occupier, and may be deducted by him from the rent from time to time due from him to the owner:

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10. All water rents may be recoverable as any general district rate is now by law recoverable:

11. If any person supplied with water by the Local Board shall refuse or neglect, within the space of seven days after demand made by them or any officer appointed by them, to pay the water rent, or if any premises supplied with water shall be unoccupied, the Local Board may turn off the water therefrom, and, after giving seven days previous notice to the owner or his agent, or if the owner or his usual place of abode be unknown to the Local Board, then and in such case by affixing the same for seven days in some conspicuous part of the said premises between the hours of nine in the forenoon and four o'clock in the afternoon, remove and carry away any pipe, meter, fittings, or other works the property of the Local Board:

12. If any person supplied with gas under the first or second Local Acts wilfully does or causes or suffers to be done anything in contravention of any of the provisions of the said Act for the prevention of waste, nuisance, or undue consumption of gas, the Local Board may cut off or stop any pipe by or through which gas is supplied to him, and may cease to supply him with gas so long as the cause of injury remains or is not remedied, and also may recover in a summary manner before justices, from any person so offending, the amount of all damage sustained by them by reason thereof, and the remedies hereby conferred on the Local Board shall be in addition to their other remedies in this behalf.

Given under my hand, this second day of June one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

NELSON.

Provisional Order altering parts of a Local Act in force within the District of the Nelson Local Board.

Whereas the Local Board in and for the district of Nelson in the county of Lancaster, in which the Local Government Act, 1858, is in force, have, in pursuance of such Act, presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of a certain Local Act of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the twenty-ninth year of the reign of Her present Majesty Queen Victoria, intituled "An Act to enable the Local Board for the district "of Nelson in the county of Lancaster to provide a supply of water and gas "for the district and its neighbourhood, and to purchase the undertaking of the "Nelson Gas Company, Limited; and for other purposes:"

A.D. 1871.

And whereas, in pursuance of the said Local Government Act, and after full consideration of the several matters mentioned in the said petition, it appears expedient to issue a Provisional Order in relation to the said matters; but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct—

That from and after the passing of any Act of Parliament confirming this Order,

The section numbered 5 in the copies of the said herein-before recited Local Act, printed by the Queen's Printers, shall be altered by the insertion therein, after the words "the township of Great and Little Marsden," of the words "and also the township of Barrowford Booth in the parish of Whalley."

Given under my hand, this twenty-third day of May one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

OVER DARWEN.

Provisional Order for altering the Provisional Order applying the Public Health Act, 1848, to the district of Over Darwen in the county of Lancaster.

WHEREAS by a Provisional Order of the General Board of Health, bearing date the eighth day of June one thousand eight hundred and fifty-four, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1854, the said Public Health Act was duly applied to the township of Over Darwen in the county of Lancaster:

And whereas by such Order as aforesaid the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at twelve, the entire number to be elected for the whole of such district:

And whereas the Local Board of Health for the said township of Over Darwen have, in pursuance of the Local Government Act, 1858, (sect. 77,) presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Order, in so far as such Order relates to the number of members to constitute the Local Board of Health for such district:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that—

1. The number of members to constitute the Local Board of Health for the township of Over Darwen shall be eighteen instead of twelve, as fixed by the said Order of the eighth day of June one thousand eight hundred and fifty-four. A.D. 1871.

2. The first election of the six additional members shall take place within two months of the confirmation of this Order.

3. Whenever, in consequence of this addition of new members, it becomes necessary, in order to provide for the annual retirement and re-election of one third of the Local Board, that members should retire who have not served their full term of three years, the choice of such members shall be made by ballot or in such other manner as the Local Board shall by resolution determine.

Given under my hand, this second day of June one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

PENSARN.

Provisional Order for extending the Borrowing Powers of the Pensarn Local Board.

Whereas the Local Board for the district of Pensarn in the county of Denbigh propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature for their district, and the said board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board for the district of Pensarn in the county of Denbigh shall have power to borrow for the execution of permanent works, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorized by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him for the said district,

A.D. 1871.

shall not exceed in the whole two years' assessable value of the premises assessable under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this twenty-second day of May one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

PRESCOT.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, for the purchase of land by the Local Board of Prescot for purposes of Sewage Works and Irrigation.

WHEREAS the Local Board in and for the district of Prescot in the county of Lancaster, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase, otherwise than by agreement, a certain piece of land lying outside the district of Prescot, and in the township of Whiston, required for the purposes of sewage works and irrigation:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the piece of land intended to be taken by such board for such purposes, and the names of the owners, lessee, and occupier of the aforesaid piece of land who have assented, dissented, and are neuter in respect of the taking such piece of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Robert Rawlinson, C.B., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The aforesaid Local Board for the district of Prescot shall be empowered to put in force, with reference to the land referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses

Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement, for the purposes herein-before set forth and described. A.D. 1871.

Given under my hand, this twenty-second day of May one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

SCHEDULE referred to in the foregoing Order.

The Piece of Land proposed to be taken is the following, and the number in column one refers to that on the plan accompanying the petition aforesaid.

No. on Plan.	Description.	Owner.	Lessee.	Occupier.
1	Field - - -	Thos. Case, Esq., and his trustees.	Daniel Willis -	William Richardson.

RAMSGATE.

Provisional Order repealing Section 2 of the "Local Government Supplemental Act, 1866" (No. 4), which limits the rating power of the Ramsgate Local Board.

Whereas the Local Board in and for the district of Ramsgate in the county of Kent, in which the Local Government Act, 1858, is in force, have, in pursuance of such Act, presented a petition to one of Her Majesty's Principal Secretaries of State, praying that section 2 of the "Local Government Supplemental Act, 1866" (No. 4), which limits the General District Rate leviable within the said district of Ramsgate in any one year to the sum of one shilling in the pound upon the net annual value of property assessable thereto, and otherwise in manner therein set forth, may be repealed:

And whereas, in pursuance of the said Local Government Act, and after full consideration of the several matters mentioned in the said petition, it appears expedient to issue a Provisional Order in relation to the said matters; but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct—

That from and after the passing of any Act of Parliament confirming this Order,—

A.D. 1871.

The section numbered 2 in the copies of the said herein-before recited Local Government Supplemental Act, 1866 (No. 4), printed by the Queen's Printers, shall be repealed.

Given under my hand, this second day of June one thousand hundred and seventy-one.

(Signed) H. A. BRUCE.

REDCAR.

Provisional Order for altering the Boundaries of the District of Redcar, in the County of York, under the Provisions of the Local Government Act, 1858.

WHEREAS the Local Government Act is in force in the township of Redcar in the parish of Marske in the county of York:

And whereas the boundaries of the said township do not extend below high-water mark on the north or sea side thereof:

And whereas a petition has been duly presented to me, as one of Her Majesty's Principal Secretaries of State, under the provisions of the 77th section of the Local Government Act, 1858, by the Local Board of the said district of Redcar, praying for the extension of the district, by the addition thereto of the portion of the sands between high and low water mark on the north or sea side opposite to the said township:

And whereas it appears expedient to issue a Provisional Order for such incorporation, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The portion of the sands between high and low water mark on the north or sea side of and opposite to the said township shall be included in the said district.
2. Provided that no byelaws to be made by the said Local Board of Health affecting the shore or beach below high-water mark shall be valid without the previous approval of the Board of Trade and the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, to be signified in writing (in the case of the Board of Trade) by one of their secretaries or assistant secretaries, and (in the case of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues) by one of such Commissioners.
3. The said Local Board shall not at any time hereafter construct any work on any part of the shore or bed of the sea where and so far up the same as the tide flows and reflows, without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the secretaries or assistant secretaries of the said Board, and according to such plan and under such restrictions and regulations as the said Board of

Trade shall approve of, such approval being signified as last aforesaid. And where any such work shall have been constructed with such consent as aforesaid, the said Local Board of Health shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval. And if any such work shall be commenced without such consent or approval, the said Board of Trade may abate and remove the same, and restore the site thereof to its former condition, at the cost of the said Local Board of Health, and the amount of such costs shall be a debt due to the Crown and recoverable against the said Local Board accordingly.

4. Nothing contained in this Order, or in the Act confirming the same, shall authorise the said Local Board of Health to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Order or Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

5. Nothing contained in this Order, or in the Act confirming the same, shall authorise the said Local Board of Health to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, without the previous consent in writing of the said Commissioners on behalf of Her Majesty (which consent the said Commissioners may give), neither shall anything in the said Order or Act contained extend to take away, prejudice, diminish, or alter any of the privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

6. Nothing contained in this Order, or in the Act confirming the same, shall operate to take away or abridge such right, title, or interest (if any) as the Right Honourable Thomas Earl of Zetland, or other the lord for the time being of the manor of Marske, may have in, to, or over the foreshore within the limits of this Order: Provided always, that nothing herein contained shall be held to recognise or confirm any right, title, or claim of the said Earl of Zetland, or other the lord for the time being of the said manor, to the foreshore aforesaid, but the right and title to such foreshore shall remain in the same state as if this Order had not been made.

Given under my hand, this twenty-second day of May in the year one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

A.D. 1871.

ST. LEONARDS.

Provisional Order altering parts of a Local Act in force within the District of the St. Leonards Improvement Commissioners exercising certain powers of a Local Board for the said District.

WHEREAS the Improvement Commissioners exercising certain powers of a Local Board in and for the district of Saint Leonards in the county of Sussex by virtue of the partial adoption of the Local Government Act, 1858, have, in pursuance of one of the provisions of such Act so adopted by them, presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of a certain Local Act of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the second year of the reign of His Majesty King William the Fourth, intituled "An Act for better paving, lighting, watching, and "otherwise improving the town of St. Leonard in the county of Sussex."

And whereas, in pursuance of the said Local Government Act, and after full consideration of the several matters mentioned in the said petition, it appears expedient to issue a Provisional Order in relation to the said matters; but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct—

That from and after the passing of any Act of Parliament confirming this Order,

1. The section numbered 119 in the copies of the said herein-before recited Local Act printed by the Queen's Printers shall be altered by substituting the words "twenty-one thousand" for "sixteen thousand," and the said Act shall be read and construed as if the words "twenty-one thousand pounds" had originally been contained in the said section, instead of the words "sixteen thousand pounds."
2. In section 126 of the said Act the words "nine thousand pounds" shall be substituted for the words "four thousand pounds," and the words "thirteen thousand pounds" for the words "eight thousand pounds," and the said Act shall be read and construed as if the words "nine thousand pounds" and "thirteen thousand pounds" had originally been contained in the said section, instead of the words "four thousand pounds" and "eight thousand pounds" respectively.

Given under my hand, this first day of June one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

STAMFORD.

A.D. 1871.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Stamford Local Board.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Stamford, in the counties of Lincoln and Northampton, by the Council of the said borough acting as the Local Board in and for such borough, being a district in which the Local Government Act, 1858, is in force, have, in pursuance of that Act, presented a Petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of a certain Local Act of Parliament in force within the said District, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the fifth year of the reign of Queen Victoria, intituled "An "Act for paving and otherwise improving the Town and Borough of Stam- "ford, in the counties of Lincoln and Northampton."

And whereas, in pursuance of the said Local Government Act, inquiry has been directed to be duly made in the said district in respect of the several matters mentioned in the said Petition, and report has been made thereon by Arnold Taylor, Esquire, the Inspector appointed for such purpose:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

1. The herein-before recited Local Act, and the schedules thereto, shall be repealed, except the sections thereof enumerated in the schedule to this Order annexed; and all the exemptions from or restrictions on rating conferred by the said Act shall cease and determine.
2. The 148th section of the said Act shall be amended by substitution for the words "within the limits of this Act" of the words "within the municipal borough of Stamford."
3. The unrepealed portions of the said Act shall extend and apply to the whole of the said municipal borough.
4. All the rights, powers, duties, and authorities of the Commissioners acting in execution of the unrepealed parts of the said Act shall pass to the Local Board aforesaid.
5. All debts and liabilities under the said Act shall be satisfied by the said Local Board as debts and liabilities under the Local Government Act, 1858.
6. All expenses under the unrepealed portions of the said Local Act shall be borne by the rates leviable in the district, as if the purposes for which such expenses were incurred were purposes of the said Local Government Act.

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7. Penalties under the 148th section of the said Local Act may be recovered in a summary manner before two justices of the peace acting for the said borough in manner directed by an Act passed in the session holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, intituled "An Act to facilitate the "performance of the duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions and orders," or any Act amending the same.

8. The interpretation clause of The Public Health Act, 1848, shall extend and apply to the unrepealed parts of the said Local Act and to this Order.

Given under my hand, this twenty-second day of May one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

SCHEDULE to which this Order refers.

The parts of the Local Act 4 & 5 Vict. referred to in this Order to be retained are as follows; that is to say,

The sections numbered respectively 148, 206, 207, 208, and 209.

TOTTENHAM.

Provisional Order for altering the Order in Council, applying the Public Health Act, 1848, to the district of Tottenham in the County of Middlesex.

WHEREAS by an Order of Her most Gracious Majesty in Council, bearing date the thirtieth day of June one thousand eight hundred and fifty, made under the provisions of the Public Health Act, 1848, the said Public Health Act was duly applied to the district of Tottenham in the county of Middlesex:

And whereas by such Order as aforesaid the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at nine, the entire number to be elected for the whole of such district:

And whereas the Local Board of Health for the said district of Tottenham have, in pursuance of the Local Government Act, 1858, (sect. 77,) presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Order, in so far as such Order relates to the number of members to constitute the Local Board of Health for such district:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that—

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1. The number of members to constitute the Local Board of Health for the district of Tottenham shall be twelve instead of nine, as fixed by the said Order of the thirtieth day of June one thousand eight hundred and fifty.
2. The first election of the three additional members shall take place within one month of the confirmation of this Order.
3. Whenever, in consequence of this addition of new members, it becomes necessary, in order to provide for the annual retirement and re-election of one third of the Local Board, that members should retire who have not served their full term of three years, the choice of such members shall be made by ballot or in such other manner as the Local Board shall by resolution determine.

Given under my hand, this twenty-second day of May one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

WARE.

Provisional Order for extending the Borrowing Powers of the Ware Local Board of Health.

Whereas the Local Board of Health for the district of Ware, in the county of Hertford, propose to carry out, under the provisions of the Local Government Act, 1858, works of a permanent nature within their district, and the said Board have, under the authority of the 78th section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, to extend the limit of borrowing power for the carrying out of the said works to an amount which, when added to the sum of which the borrowing has been already sanctioned under the said Act, shall not exceed in the whole two years' assessable value of the premises assessable under the said Act within the district:

And whereas, after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the district of Ware, in the county of Hertford, shall have power to borrow for the execution of the aforesaid works, on mortgage of the rates leviable by the said Local Board under the aforesaid Act, such sums as they may from time to time be authorised by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already sanctioned by him, shall not exceed in the whole two years' assessable value of the premises assessable

A.D. 1871.

under such Act within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this twenty-third day of May one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

WIDNES.

Provisional Order for extending the Borrowing Powers of the Widnes Local Board.

WHEREAS the Local Board for the district of Widnes in the county of Lancaster have, under the provisions of the Widnes Improvement Act, 1867, purchased and executed works of a permanent nature for their district, at a cost exceeding one year's assessable value of the premises assessable within the district in respect of such works, and they propose to execute and carry out other works of a like nature under the provisions of the Local Government Act, 1858; And whereas the said Local Board have, under the authority of the seventy-eighth section of the Local Government Act, 1858, and the Local Government Act (1858) Amendment Act, 1861, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow and re-borrow, for the said works, an amount which, when added to the sums of money of which the borrowing has already been authorised by or sanctioned under the said Acts, or some or one of them, shall not exceed in the whole two years' assessable value of the premises assessable in respect of such works within the district:

And whereas, after due inquiry and report by Robert Rawlinson, C.B., the Inspector appointed by me for the purpose, I am of opinion that the prayer of such petition should be granted, but the same cannot be done without the consent of Parliament:

Now, therefore, in pursuance of the power vested in me for this purpose as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board for the district of Widnes in the county of Lancaster shall have power to borrow and re-borrow for permanent works for their district, on mortgage of the rates leviable by the said Local Board under the Public Health Act, 1848, the Local Government Act, 1858, and the Widnes Improvement Act, 1867, or some or one of them, the sums of money already authorised or sanctioned as aforesaid, and such further sum or sums as they may from time to time be authorised by the sanction of the Secretary of State to borrow, up to an amount which, when added to the amounts of the loans already authorised or sanctioned, shall not exceed in the whole two years' assessable value of the premises assessable under the said Acts,

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or some or one of them, in respect of such works within the aforesaid district, the whole of such sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand, this thirtieth day of May one thousand eight hundred and seventy-one.

(Signed) H. A. Bruce.

WIMBLEDON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the district of the Wimbledon Local Board for the purchase of Lands by the said Board for Street Widening and Road Improvements.

Whereas the Local Board in and for the district of Wimbledon in the county of Surrey have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase, otherwise than by agreement, certain pieces of land for the purpose of widening, altering, and improving certain streets and roads within the aforesaid district:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esq., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1. The aforesaid Local Board for the district of Wimbledon shall be empowered to put in force, with reference to the lands referred to and described in the schedule to this Order annexed, the powers of the Lands Clauses

A.D. 1871.

Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the the purposes herein-before set forth and described.

Given under my hand, this sixth day of June one thousand eight hundred and seventy-one.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The PIECES of LAND proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description of Lands proposed to be taken.	Owner.	Lessee.	Occupier.
1	Part of a garden -	George Sinclair Tritton.	Charles Florence Young and Anthony Fothergill Bainbridge.	George Mason.
2	Land and buildings -	John Samuel Wanley Sawbridge Erle Drax.	Charles Henry Payne	Charles Henry Payne.
3	Part of a field -	Courtenay Mansell -	- - -	Courtenay Mansell.
4 to 10				
4	Forecourts of 7 cottages.	Ann Ogden - -	John Partridge -	John Partridge.
5				Samuel Partridge.
6				Benjamin Banks.
7				Thomas Griffin.
8				Ann Taylor.
9				James Lee.
10				William Cutler.
11	Part of an entrance to premises.	Jeremiah Selmes -	Frederick Wallis -	Frederick Wallis.

Local Government Supplemental (No. 4).

A

B I L L

To confirm certain Provisional Orders ur "The Local Government Act, 1858," rela to the districts of Acton, Altrincham, Bog Bolton (Lancashire), Harrogate (2), Hen on-Thames, Kingston-upon-Hull, Litchu Malvern, Nelson, Over Darwen, Pens Prescot, Ramsgate, Redcar, St. Leona Stamford, Tottenham, Ware, Widnes, Wimbledon; and for other purposes rela to the district of Stamford under the Act.

(*Prepared and brought in by Mr. Winterbotham and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed* 12 *June* 1871.

[Bill 187.]

Under 7 oz.

Local Legislation (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary matters.

Clauses.

1. Bill to extend to Ireland only.
2. Short title and commencement of Act.
3. Interpretation of terms.

Description of powers.

4. Application of Act.
5. Jurisdiction.

Procedure.

6. Notices and deposit of documents.
7. Deposit of documents in case of tidal lands.
8. Power of Lord Lieutenant in Council to appoint officers and conduct proceedings.
9. Power to make general rules.
10. Power to hear parties and determine on application.
11. Power to make and settle provisional order.
12. Contents of provisional order.
13. Costs of provisional order.
14. Opponents entitled to costs against promoters in case of vexatious interference with rights.
15. Promoters entitled to costs in case of vexatious opposition.
16. Certificate of costs.
17. Mode of recovery of costs.
18. Publication of provisional order.
19. Confirmation of provisional order by Act of Parliament.
20. Amendment or extension of provisional orders confirmed by Act of Parliament.
21. Powers to obtain provisional orders and provisional certificates transferred from Board of Trade to Lord Lieutentant in Council.
22. The Queen in Council empowered to substitute for the Lord Lieutenant in Council any other department or body of persons.

A

B I L L

TO

Facilitate the obtaining of powers for Legislation on public Local Matters in Ireland. A.D. 1871.

WHEREAS it is expedient to facilitate legislation in several matters of a public character in Ireland without the necessity of applying to Parliament or to the Board of Trade in the first instance, and to diminish the great expense attending the present procedure for obtaining parliamentary powers for such purposes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary matters.

Extent of Act.

1. This Act shall extend to Ireland only.

Short title and commencement of Act.

2. This Act may be cited for all purposes as "The Local Legislation Facilities, Ireland, Act, 1871," and shall come into operation immediately after the end of the present session of Parliament, which period in this Act is referred to as the commencemcnt of this Act.

Interpretation of terms.

3. For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them; that is to say,

1. "The Lord Lieutenant in Council" means the Lord Lieutenant or other chief governor of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland:
2. The term "person or persons" includes companies, corporations, commissioners, trustees, undertakers, or individuals:
3. The term "promoters" includes any person or persons who shall make application for a provisional order under this Act:
4. The term "prescribed" means prescribed by any rules or regulations made in pursuance of this Act:

A.D. 1871.

5. The term "the standing orders" means the standing orders of the House of Commons ordered by the House to be printed ninth August one thousand eight hundred and seventy.

Description of powers within this Act.

Application of Act.

4. This Act shall apply where it is now necessary to petition Parliament for leave to bring in a Bill relating to Ireland for all or any of the purposes enumerated in the two following classes of subjects:

First class:

Burial ground, making, maintaining, or altering.

Charters and corporations, enlarging or altering powers of.

Church or chapel, building, enlarging, repairing, or maintaining.

City or town, paving, lighting, watching, cleansing, or improving.

Company, incorporating or giving powers to.

County rate.

County or shire hall, court house.

Crown, church, or corporation property, or property held in trust for public or charitable purposes.

Ferry.

Fishery, making, maintaining, or improving.

Gaol or house of correction.

Land, inclosing, draining, or improving.

Letters patent, confirming, prolonging, or transferring the term of.

Local court, constituting.

Market or market-place, erecting, improving, repairing, maintaining, or regulating.

Police.

Poor, maintaining or employing.

Poor rate.

Powers to sue and be sued, conferring.

Stipendiary magistrate, or any other public officer, payment of.

Continuing or amending an Act passed for any of the above purposes, where no further work than such as was authorized by a former Act is proposed to be made.

Second class:

Making, maintaining, varying, extending, or enlarging any—

Aqueduct.

Archway.

Bridge.

Canal.
Cut.
Dock.
Drainage, making and maintaining any cut for drainage, being a new work, where it is not provided in the Bill that the same shall not be more than eleven feet width at the bottom.
Electric telegraph.
Embankment for reclaiming land from the sea or any tidal river.
Ferry, where any work is to be executed.
Harbour.
Navigation.
Pier.
Port.
Railway.
Reservoir.
Sewer.
Street.
Tunnel.
Tramways.
Turnpike or other public carriage road.
Waterwork.

And after the commencement of this Act persons desirous of obtaining powers for any of the purposes aforesaid shall present a memorial, signed by any two or more of them, who shall be deemed to be promoters, addressed to the Lord Lieutenant in Council, praying for a provisional order for the particular purpose in pursuance of this Act.

Jurisdiction given by this Act exclusive.

5. After the commencement of this Act it shall not be competent to any person or persons to proceed otherwise than under the provisions of this Act, in any case in which jurisdiction is given to the Lord Lieutenant in Council by this Act.

Procedure.

Notices and deposit of documents by promoters.

6. Persons intending to make application for a provisional order in pursuance of this Act shall give, publish, and serve, at the times and in the manner and form the several notices by advertisement, and the several notices and applications to owners, lessees, and occupiers of lands and houses, and all other parties respectively required by the standing orders, as in the case of a private Bill for the same purpose, or as may be prescribed, and where lands are required, or works are to be executed, deposit the several plans, sections, books

A.D. 1871.

of reference, and duplicates thereof, and estimates and other documents, at the offices of the clerks of the peace, clerks of unions, and parish clerks respectively required by the standing orders, and shall also deposit the several documents now required to be deposited at the Private Bill Office of the House of Commons at the office of the clerk to the Privy Council in Ireland, together with the memorial of the promoters, and a copy of the proposed provisional order; and if it be intended to apply for powers for the compulsory purchase of lands or houses, or for extending the time granted by any former Act for that purpose, or to amalgamate with any other company, or to sell or lease the undertaking, or to purchase or take on lease the undertaking of any other company, or to amend or repeal any former Act or Acts, or to levy tolls, rates, or duties, or to alter any existing tolls, rates, or duties, or to confer, vary, or extinguish any exemptions from payment of tolls, rates, or duties, or to vary or extinguish any other rights or privileges, the notices shall specify such intention; and the whole of the notice relating to the same application shall be included in the same advertisement, which shall be headed by a short title descriptive of the undertaking or proposed provisional order; and, unless and until the Lord Lieutenant in Council otherwise prescribes, the standing orders on any application for a provisional order, according to the subject to which it relates, shall in all respects be followed and complied with, and the several plans, maps, books of reference, sections, and cross sections, where required, shall be prepared, according to the directions of the standing orders, or as may be prescribed in that behalf.

In case of tidal lands plans to be deposited at Harbour Department of Board of Trade.

7. In addition to depositing the foregoing documents at the office of the clerk to the Privy Council in Ireland, in all cases where the work to be executed shall be situate on tidal lands within the ordinary spring tides, a copy of the plans and sections shall at the same time, or immediately afterwards, be deposited at the office of the Harbour Department of the Board of Trade, marked "Tidal works, Ireland;" and on such copy all tidal waters shall be coloured blue; and if the plans include any bridge across tidal waters, the dimensions as regards span and headway of the nearest bridges, if any, above and below the proposed new bridge, shall be marked thereon; and in all such cases such plans and sections shall be accompanied by a published map or ordnance sheet of the country over which the works are proposed to extend or are to be carried, with their position and extent or route accurately laid down thereon.

Power of Lord Lieutenant in

8. The Lord Lieutenant in Council shall be at liberty to appoint from time to time all such officers as may be deemed necessary for

carrying out the provisions of this Act, and shall and may make and institute all such inquiries and conduct all such proceedings as a committee of either House of Parliament.

Council to appoint officers and conduct proceedings.

9. It shall be lawful for the Lord Lieutenant in Council by Order to make from time to time such general rules and regulations as may seem fit for the effectual execution of this Act, and not inconsistent with the provisions of this Act, and also fixing the amount of any fees, and the mode of collecting and paying the same by means of stamps or otherwise, and the allowance and payment of any costs, charges, and expenses to be taken, allowed and paid under this Act, and for the remuneration of any persons or officers employed by or under the direction of the Lord Lieutenant in Council in the execution of this Act, and from time to time to revoke, alter, and amend any such rules and regulations, but no such rules or regulations shall have any effect until the same shall have been published in the Dublin Gazette and laid before Parliament, within *one month* after the same shall have been made if Parliament be then sitting, and if Parliament be not then sitting, within *one month* after the commencement of the next session of Parliament.

Power to make general rules and regulations for execution of this Act.

10. The Lord Lieutenant in Council shall consider the application for a provisional order on the day in that behalf appointed, and determine all matters arising out of or connected therewith, and shall have power to hear the parties, their counsel or agents, supporting or opposing the application, call for the production of any documents in the possession or power of the promoters, or of any persons admitted to be heard in opposition to the application which the Lord Lieutenant in Council may think necessary, and examine any such persons and their witnesses on oath or otherwise, and administer any oath or declaration necessary for that purpose, and make and institute all such inquiries as may be deemed necessary for determining the propriety and expediency of granting or refusing such provisional order.

Power of Lord Lieutenant in Council to hear parties and determine on application.

11. Where it appears to the Lord Lieutenant in Council expedient and proper that the application should be granted with or without addition or modification, or subject or not to any restriction or condition, and all the requisitions of the Standing Orders, or of the rules prescribed, as the case may be, have been in all respects complied with, the Lord Lieutenant in Council may settle and make a provisional order accordingly.

Power to make and settle provisional order.

12. Every such provisional order shall contain such provisions as according to the nature of the application, and the facts and circumstances of each case, the Lord Lieutenant in Council thinks fit to

Contents of provisional order.

A.D. 1871.

submit to Parliament for confirmation in manner provided by this Act, and may incorporate by reference to their short parliamentary titles or otherwise all Consolidation Clauses Acts or parts of such Acts usually incorporated by Parliament in special Acts, and as may be applicable to the state, circumstances, and condition of Ireland, and to the nature of the works to be undertaken and executed, and to repeal any Act or Acts of Parliament the repeal of which may be necessary for carrying out the objects and purposes of this Act.

Every provisional order, if it relates to a railway, shall contain the several restrictions, conditions, directions, and clauses specially required by the standing orders to be inserted in the case of a railway Bill before Parliament, unless the Lord Lieutenant in Council otherwise determines; and every provisional order for the inclosure or drainage of lands, or for making or for constructing a turnpike road or a burial ground or a cemetery, or for the erection of gasworks, shall contain the particular clauses required by the standing orders to be inserted in a Bill for the like purpose, unless the Lord Lieutenant in Council otherwise directs.

Costs of provisional order.

13. The costs of and connected with the preparation and making of each provisional order shall be borne and paid by the promoters, and the Lord Lieutenant in Council may require the promoters to give security for such costs before they proceed with the provisional order, and such security may be in such form and for such amount as may be prescribed.

Opponents entitled to costs against promoters in case of vexatious interference with rights.

14. When the Lord Lieutenant in Council is of opinion that any person or persons opposing any application for a provisional order has or have been unreasonably or vexatiously subjected to expense in defending his or their rights proposed to be interfered with by the provisional order, such person or persons shall be entiled to recover from the promoters of such provisional order his or their costs in relation thereto, or such portion thereof as the Lord Lieutenant in Council may think fit to award in manner herein-after mentioned.

Promoters entitled to costs in case of vexatious opposition.

15. When the Lord Lieutenant in Council is of opinion that the promoters have been vexatiously subjected to expense in the promotion of a provisional order by the opposition of any person or persons against the same, then the promoters shall be entitled to receive from the person or persons opposing, or such of them as the Lord Lieutenant in Council shall think fit, such portion of their costs of the promotion of the provisional order as the Lord Lieutenant in Council shall think fit to award in manner herein-after mentioned: Provided

Proviso.

always, that no landowner who, bonâ fide at his own sole risk and charge, opposes a provisional order which proposes to take any portion of his property for the purposes of such order, shall be liable to any costs in respect of such opposition to such order.

Certificate of costs.

16. When the Lord Lieutenant in Council awards costs in any of the cases aforesaid, a certificate expressing the amount of such costs shall be made by the Lord Lieutenant in Council, and delivered on demand to the party entitled thereto, with the name of the party liable to pay the same, and the name of the party entitled to receive the same; and such certificate shall be conclusive evidence as well of the amount of the demand as of the title of the party therein named to recover the same from the party therein stated to be liable to the payment thereof, and the party claiming under the same shall, upon payment thereof, give a receipt at the foot of such certificate, which shall be a sufficient discharge for the same.

Mode of recovery of costs.

17. The party entitled to such costs, or his executors or administrators, may demand the whole amount thereof, so certified as aforesaid, from any one or more of the parties liable to the payment thereof, and in case of nonpayment on demand may recover the same in any court having jurisdiction, together with the costs of suit: Provided always, that the validity of such certificate shall not be called in question in any court.

Publication of provisional order.

18. When a provisional order has been made as aforesaid, and delivered to the promoters, the promoters shall forthwith deposit and publish printed copies thereof, for public inspection, in the several offices of the clerks of the peace of the county or city in which the works shall be situated, and also a sufficient number of such printed copies at the offices named in that behalf in the advertisement required to be published by the standing orders or rules, such copies to be there furnished to all persons applying for them, at the price of each, and they shall also publish the provisional order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published; and when such provisional order relates to any dock, harbour, navigation, pier, or port, they shall likewise deposit a printed copy thereof marked "Tidal Waters, Ireland," at the office of the Harbour Department of the Board of Trade.

Confirmation of provisional order by Act of Parliament.

19. On proof, to the satisfaction of the Lord Lieutenant in Council, of the completion of such publication as aforesaid, the Lord Lieutenant in Council shall, as soon as conveniently may be after the expiration of *seven days* from the completion of such publication

A.D. 1871.

in relation to any provisional order which shall have been published as aforesaid, not later than the *twenty-fifth of April* in any year, procure a Bill to be introduced into either House of Parliament for an Act to confirm the provisional order, which shall be set out at length in the schedule to the Bill, but until confirmation by Act of Parliament a provisional order under this Act shall not have any operation.

The promoters shall deposit, for the use of the members of the Houses of Parliament respectively, so many copies of the order in such offices of the Houses respectively as the Clerk of the Parliament and the Speaker of the House of Commons respectively may from time to time direct.

If while any such Bill is pending in either House of Parliament, a petition is presented against any provisional order comprised therein, the Bill, so far as it relates to the order petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

The Act of Parliament confirming any provisional order under this Act shall be deemed a Public Act.

Amendment or extension of provisional orders confirmed by Act of Parliament.

20. Any provisional order which may have been confirmed by Act of Parliament under this Act may at any time hereafter be amended or extended by proceeding as in the case for an original provisional order, and procuring its confirmation by Act of Parliament under this Act.

Powers to obtain provisional orders and provisional certificates under existing Acts transferred from Board of Trade to Lord Lieutenant in Council.

21. Where by any Act or Acts of Parliament in force an application may now be made to the Board of Trade for any provisional order or provisional certificate thereby authorised to be made relating to Ireland, such application, after the commencement of this Act, shall and may be made to the Lord Lieutenant in Council for such provisional order or provisional certificate, as the case may be, and all the proceedings for obtaining and confirming the same shall be taken as provided by this Act; and in every such Act or Acts of Parliament in relation to Ireland the Lord Lieutenant in Council shall be substituted and read for the Board of Trade; and all the powers vested in the Board of Trade, and all provisions for making and obtaining such provisional order or provisional certificate, shall be vested in and transferred to the Lord Lieutenant in Council, as if the Lord Lieutenant in Council had originally been named in such Act or Acts.

The Queen in Council empowered to substitute for the Lord Lieutenant

22. For the purpose of carrying into effect the provisions of this Act, it shall be lawful for Her Majesty at any time after the passing of this Act, by Order in Council, to substitute for the Lord Lieu-

A.D. 1871.

tenant in Council any other department of Her Majesty's Government in Ireland, or to nominate and appoint any other body of persons, and from and after such time as may be specified for the purpose in any such Order, or if no time be specified therein, from and after the date of such Order, all matters to be done in pursuance of this Act, by or in connexion with the Lord Lieutenant in Council shall be done by or in connexion with such substituted department or body.

in Council any other department in Ireland for the purpose of this Act, or any other body of persons.

33 & 34 Vict. c. 70. s. 14.

(Ireland).

A

B I L L

To facilitate the obtaining of powers for legislation on public local matters in Ireland.

(*Prepared and brought in by Mr. M'Mahon, Mr. Montagu Chambers, and Mr. Matthews.*)

Ordered, by The House of Commons, *to be Printed,* 16 *February* 1871.

[Bill 43.]

Under 2 *oz.*

A

B I L L

TO

Make better provision respecting the liability of Property to Local Taxation, and for transferring the Inhabited House Duty to the Parochial Authorities. A.D. 1871.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as "The Rating and House Tax Act, 1871."

Extent of Act.

2. This Act shall not apply to Scotland or Ireland.

Commencement of part of Act.

3. This Act, save as otherwise expressly provided, shall not come into operation until the *fifth day of April one thousand eight hundred and seventy-two*, which day is in this Act referred to as the commencement of this Act.

Abolition of Exemptions.

Liability of property to consolidated rate.

4. From and after the commencement of this Act, the occupier of every hereditament, corporeal or incorporeal, in any parish, shall be rateable in respect of such hereditament to the consolidated rate of such parish, and so much of any Act, whether public, local or personal, or private, as exempts any hereditament from the consolidated rate, or any rate which is payable out of the consolidated rate, is hereby repealed.

Provided that no person shall be rateable to the consolidated rate in respect of any such church, chapel, or meeting-house premises, or part thereof, as is exempt from poor rate under the Act of the session of the third and fourth years of King William the Fourth, chapter thirty.

A.D. 1871.

This Act shall extend to every hereditament occupied or used by any department of the Government, or occupied or used for any public purpose, notwithstanding that the same may belong to or be vested in Her Majesty, her heirs and successors, or in any officer or department of State, or any other public officer, authority, or body, and the department, officer, authority, or body occupying, using, or having the management of, or control over, the same shall be deemed to be the occupier for the purposes of this section.

The occupier of an incorporeal hereditament shall, for the purposes of this Act, be deemed to be the person who is in possession or receipt of the rents and profits thereof.

General rule as to gross and rateable value.

5. With respect to the annual gross and rateable value of an hereditament, the following provisions shall have effect, namely:

(1.) The annual gross value of every hereditament, whether corporeal or incorporeal, shall, subject to the express provisions of this Act, be the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for the hereditament, if the tenant undertook to pay all usual tenants rates and taxes and the tithe commutation rentcharge, if any; and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent:

(2.) The annual rateable value of every hereditament, corporeal or incorporeal, shall be estimated by deducting from the annual gross value of such hereditament the probable annual average cost of the repairs, insurance, and other expenses as aforesaid:

(3.) So much of any Act, whether public, local and personal, or private, as directs the gross or rateable value of any hereditament to be estimated in any other way or according to any other basis or principle than that directed by this Act, or directs any hereditament to be rated at any other value than the gross or rateable value estimated in manner directed by this Act, shall be repealed.

Valuation of buildings according to capital value.

6. Where the chairman of the parochial board is of opinion that any building, by reason of its size or structure, or of its being adapted only for some special purpose, or for any other reason, cannot be properly valued according to the annual rent which a tenant might reasonably be expected to pay for the same, the chairman may value the same under the provisions of this section.

A.D. 1871.

The gross value of any building valued under the provisions of this section shall be a sum equal to four per cent. on such capital sum as a purchaser might reasonably be expected to give for such building in its actual state and existing mode of occupation.

The rateable value of any building valued under the provisions of this section shall be the gross value calculated as aforesaid, after deducting therefrom the like deductions as are allowed by this Act in the case of buildings.

Where a building is valued under the provisions of this section, every person shall have the same right of making an objection and of appealing on the ground that the same ought not to be valued under this section as such person may have on the ground of the incorrectness of a valuation list or of any assessment.

Rule for valuation of woods and plantations. 17 & 18 Vict. c. 91. s. 6.

7. Where any land is occupied as a plantation or wood or for growing timber, the gross value and rateable value of such land shall not be less than they would respectively be if such land were occupied for the ordinary purposes of agriculture either as pasture or arable land.

Deduction of rate by tenant of mine.

8. Where at the commencement of this Act any person holds a lease of a mine, and is not liable to be rated to any particular rate in respect of such mine, he may deduct from any rent or royalty payable by him one half of every sum payable in respect of or in lieu of such rate which becomes payable by him in respect of such mine during the continuance of the said lease.

The payment of any rate by this Act authorised to be deducted shall be a good discharge for such amount of rent as is equal to the amount so paid, and shall be allowed accordingly.

No liability to be rated for other property.

9. No person shall be liable to be assessed to the consolidated rate otherwise than in accordance with this Act in respect of any property in respect of which he is not by this Act made liable to be assessed.

Including hereditament in valuation list.

10. Where any hereditament will in pursuance of the provisions of this Act become after the commencement of this Act liable to the consolidated rate, such hereditament shall, whether before or after the commencement of this Act, be inserted by the overseers or assessment committee in every valuation list which will come into operation after the commencement of this Act, and the liability of such hereditament shall be deemed to be an alteration which makes a supplemental list necessary in the metropolis for the year beginning the sixth of April one thousand eight hundred and seventy-one, and a supplemental list shall wherever necessary be made accordingly containing such hereditament.

A.D. 1871.

House Tax.

Transfer of house tax to parochial authorities.

14 & 15 Vict. c. 36.

11. From and after such day as may be fixed by an Order in Council, not being earlier than the commencement of this Act, the duties made payable by the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter thirty-six, intituled "An Act to repeal the Duties payable on Dwelling Houses "according to the number of Windows or Lights, and to grant in "lieu thereof other Duties on Inhabited Houses according to their "annual value," shall in England cease to be payable to Her Majesty, and to be under the care and management of the Commissioners of Inland Revenue, and shall be payable to the chairman of the parochial board of the parish in which the house charged therewith is situate, and shall be applied by him in reduction of the consolidated rate, and shall be assessed and collected by the same persons as the consolidated rate, and the persons collecting the same shall collect the same in the same manner as the consolidated rate, and have the same powers for enforcing payment thereof as they have for enforcing payment of the consolidated rate, but the same shall be collected at the same time as it is collected at the commencement of this Act.

In this section the term consolidated rate in the metropolis means the poor rate.

Definitions.

12. In this Act, unless the context otherwise requires—

The term "metropolis" means the parishes and places to which the Valuation (Metropolis) Act, 1869, extends:

The term "consolidated rate" means, as regards the metropolis, the poor rate, and any sewers rate, drainage rate, consolidated rate, and every other rate levied on the rateable value of property within the metropolis:

The term "chairman of the parochial board" includes the overseers and any person or body of persons performing the duties of overseers so far as regards the assessment, making, and collecting of rates for the relief of the poor:

The term "hereditament" does not include any rent (except tithe rentcharge), or any escheats, heriots, relief fines, casual profits of any manor, or any office, dignity, advowson, corody, pension, annuity, or heirloom, except so far as the same confers any interest in any land or building.

Repeal of Acts.

13. The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, provided that this repeal shall not affect the validity or invalidity of anything done or suffered under any of the said

provisions before the commencement of this Act, or any remedy or proceeding in respect thereof. A.D. 1871.

Any enactment repealed by this section, if it relates to England only, shall be wholly repealed, and in any other case shall be repealed so far only as it relates to England.

A.D. 1871.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words section or other part first or last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Acts repealed.

Year and Chapter.	Title or abbreviated Title.	Extent of Repeal.
43 Eliz. c. 2.	An Act for the relief of the poor	The following words in section one, "by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, or propriations of tithes, coal mines, or saleable underwoods in the said parish," in such competent sum and sums of money as they shall think fit," and the words "according to the ability of the same parish."
22 Geo. 3. c. 83.	An Act for the better relief and employment of the poor.	Section nineteen.
3 Geo. 4. c. 126.	An Act to amend the general laws now in being for regulating turnpike roads in that part of Great Britain called England.	Section fifty-one from "and that no tolls to be taken" to the end of that section.
6 & 7 Will. 4. c. 96.	An Act to regulate parochial assessments.	Sections one and two.
4 & 5 Vict. c. 48.	An Act to render certain municipal corporations rateable to the relief of the poor in certain cases.	Section one.
6 & 7 Vict. c. 36.	An Act to exempt from county, borough, parochial, and other local rates, land and buildings occupied by scientific and literary societies.	The whole Act.

Year and Chapter.	Title or abbreviated Title.	Extent of Repeal.
16 & 17 Vict. c. 97.	An Act to consolidate and amend the laws for the provision and regulation of lunatic asylums for counties and boroughs, and for the maintenance and care of pauper lunatics in England.	Section thirty-five.
17 & 18 Vict. c. 104.	An Act to amend and consolidate the Acts relating to merchant shipping.	Section four hundred and thirty.
18 & 19 Vict. c. 128.	An Act further to amend the laws concerning the burial of the dead in England.	Section fifteen.
23 & 24 Vict. c. 112.	An Act to make better provision for acquiring lands for the defence of the realm.	So much of section thirty-three as provides that the lands therein mentioned shall not be assessed to any poor or other rates at any higher value or rent than therein mentioned.
32 & 33 Vict. c. 40.	An Act to exempt from rating Sunday and ragged schools.	The whole Act.

A

BILL

To make better provision respecting the liability of Property to Local Taxation, and for transferring the Inhabited House Duty to the Parochial Authorities.

(*Prepared and brought in by Mr. Goschen, Mr. Stansfeld, Mr. Secretary Bruce, and Mr. William Edward Forster.*)

Ordered, by The House of Commons, *to be Printed*, 4 *April* 1871.

[Bill 105.]

Under 1 *oz.*

A

B I L L

TO

Protect the Goods of Lodgers against Distraint upon the Property of the Landlord. A.D. 1871.

WHEREAS under-tenants and lodgers are subjected to great loss and injustice by the exercise of the power possessed by the superior landlord to levy a distress for arrears of rent due to such superior landlord by his immediate lessee or tenant:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Landlord not to levy distress for debts of tenant on goods of under-tenant.

1. No superior landlord shall be entitled to levy a distress for arrears of rent due to such superior landlord by his immediate lessee or tenant on the furniture, goods, and chattels of the under-tenants and lodgers of such immediate tenant.

Under-tenant, if distress levied, to make declaration that immediate tenant has no property in goods distrained.

2. If any superior landlord shall levy or authorise to be levied a distress on the furniture, goods, and chattels of the under-tenants or lodgers of his immediate tenant, for arrears of rent due to such superior landlord by his immediate tenant, the under-tenants or lodgers of such immediate tenant may serve such superior landlord, bailiff, or other duly qualified officer or person with a statutory declaration, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture, goods, and chattels so distrained or threatened to be distrained upon, and that such furniture, goods, and chattels are the absolute property or in the lawful possession of such under-tenants or lodgers: Provided always, that a correct inventory, subscribed by the sub-tenant or lodger, of the furniture, goods, and chattels included in and referred to in the above-mentioned declaration, shall be annexed thereto; and if any under-tenant or lodger shall wilfully and corruptly subscribe such inventory, knowing the same to be untrue in any material particular, he shall be deemed guilty of a misdemeanor.

A.D. 1871.

Penalty.

3. If any superior landlord, or any bailiff or other duly qualified officer or person, after being served with the before-mentioned declaration and inventory, shall levy a distress on the furniture, goods, and chattels of the under-tenants and lodgers of the immediate lessee or tenant of such superior landlord, for arrears of rent due to him by the immediate lessee or tenant, such superior landlord, bailiff, or other duly qualified person shall be deemed to have committed an illegal distraint, and such goods shall be immediately recoverable by the order of a magistrate or of two justices of the peace in places where there is no stipendiary magistrate, and shall also be liable to an action or actions at law for damages at the suit of the under-tenants and lodgers.

Application of Act.

4. This Act shall not apply to tenancies of land or the tenements thereon, or to farms or tenancies for agricultural purposes.

Lodgers Goods Protection.

A

B I L L

To protect the Goods of Lodgers against Distraint upon the Property of the Landlord.

(*Prepared and brought in by*
Mr. H. B. Sheridan, Mr. Holms,
Mr. Brogden, and Mr. W. M. Torrens.)

Ordered, by The House of Commons, *to be Printed,*
22 *February* 1871.

[Bill 54.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Protect the Goods of Under-tenants and Lodgers against Distraint for Rent due to the Superior Landlord. A.D. 1871.

WHEREAS under-tenants and lodgers are subjected to great loss and injustice by the exercise of the power possessed by the superior landlord to levy a distress on their furniture, goods, and chattels for arrears of rent due to such superior landlord by his immediate lessee or tenant:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Under-tenant, if distress levied, to make declaration that immediate tenant has no property in goods distrained.

1. If any superior landlord shall levy or authorise to be levied a distress on any furniture, goods, or chattels of any under-tenant or lodger for arrears of rent due to such superior landlord by his immediate tenant, such under-tenant or lodger may serve such superior landlord, or the bailiff or other person employed by him to levy such distress, with a declaration in writing made by such under-tenant or lodger, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture, goods, or chattels so distrained or threatened to be distrained upon, and that such furniture, goods, or chattels are the property or in the lawful possession of such under-tenant or lodger; and also setting forth whether any and what rent is due, and for what period, from such under-tenant or lodger to his immediate landlord; and such under-tenant or lodger may pay to the superior landlord, or to the bailiff or other person employed by him as aforesaid, the rent if any so due as last aforesaid, or so much thereof as shall be sufficient to discharge the claim of such superior landlord. And to such declaration shall be annexed a correct inventory, subscribed by the under-tenant or lodger, of the furniture, goods, and chattels referred to in the declaration; and if any under-tenant or lodger shall make or

A.D. 1871.

subscribe such declaration and inventory, knowing the same or either of them to be untrue in any material particular, he shall be deemed guilty of a misdemeanor.

Penalty.

2. If any superior landlord, or any bailiff or other person employed by him, shall, after being served with the before-mentioned declaration and inventory, and after the under-tenant or lodger shall have paid or tendered to such superior landlord, bailiff, or other person the rent, if any, which by the last preceding section such under-tenant or lodger is authorised to pay, shall levy or proceed with a distress on the furniture, goods, or chattels of the under-tenant or lodger, such superior landlord, bailiff, or other person shall be deemed guilty of an illegal distress, and the under-tenant or lodger may apply to a justice of the peace for an order for the restoration to him of such goods; and such application shall be heard before a stipendiary magistrate, or before two justices in places where there is no stipendiary magistrate, and such magistrate or justices shall inquire into the truth of such declaration and inventory, and shall make such order for the recovery of the goods or otherwise as to him or them may seem just, and such goods shall be immediately recoverable by the order of a stipendiary magistrate or of two justices of the peace in places where there is no stipendiary magistrate, and the superior landlord shall also be liable to an action at law at the suit of the under-tenant or lodger, in which action the truth of the declaration and inventory may likewise be inquired into.

Proviso as to payments by under-tenant to superior landlord.

3. Any payment made by any under-tenant or lodger pursuant to the first section of this Act shall be deemed a valid payment on account of any rent due from him to his immediate landlord.

Application of Act.

4. This Act shall not apply to any lettings other than those of dwelling houses, and of rooms let for the purposes of lodging.

tection.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To protect the Goods of Under-tenants and Lodgers against Distraint for Rent due to the Superior Landlord.

(*Prepared and brought in by Mr. H. B. Sheridan, Mr. Holms, Mr. Brogden, and Mr. W. M. Torrens.*)

Ordered, by The House of Commons, *to be Printed,* 18 *July* 1871.

[Bill 254.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act for amending the Lunacy Regulation Acts. A.D. 1871.

WHEREAS it is expedient to amend the Lunacy Regulation Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as "The Amendment Act (Lunacy Regulation), 1871."

Construction of Act.

2. This Act shall be construed as one with the Lunacy Regulation Acts, 1853 and 1862, and unless there is something in the subject matter or context repugnant to such construction, the expression "the Lord Chancellor intrusted as aforesaid," and all other expressions having a special or defined meaning in the last-mentioned Acts, or either of them, shall have the same meaning in this Act.

Definition of "person of weak mind."

3. The expression "person of weak mind," as used in this Act, shall be construed to mean any person whose mental capacity is so affected by sickness or any other temporary cause as to render him incapable of managing himself or his affairs.

Power to appoint a guardian of person of weak mind.

4. Where, on a petition presented in a summary manner, it is established to the satisfaction of the Lord Chancellor intrusted as aforesaid that any person is of weak mind, the Lord Chancellor intrusted as aforesaid may, in a summary way, and without directing any inquiry under a commission of lunacy, by an order to be made in the matter of such person of weak mind, appoint a guardian of the person and property or of the person or property of such person of weak mind, and may invest the guardian so appointed with such powers over the person or property of such person of weak mind, and generally may make such orders as he may consider expedient for the purpose of rendering the property of such person or the income thereof available for his maintenance or

A.D. 1871.

benefit, or for carrying on his trade or business, or for the support, maintenance, or education of his family.

Provision may be made in any order under this section for all costs incidental to or consequential on the making of such order, and for the purpose of carrying into effect the provisions of this section, the Lord Chancellor intrusted as aforesaid shall have all the powers conferred by the thirteenth section of the said Lunacy Regulation Act, 1862; and the Lord Chancellor may likewise for the like purpose from time to time exercise all or any of the powers of making general orders vested in him by the Lunacy Regulation Acts, 1853 and 1862.

Provided as follows:

(1.) Personal notice of the application for any order under this section shall be served on the person alleged to be of weak mind, and the hearing of the case of such person, and all proceedings in relation to or consequent on any order made shall be in private:

(2.) No order made under this section shall be of any force beyond the period of six months from the date thereof, nor shall any such order be renewed more than once:

(3.) Every such order shall contain a direction to the visitors to visit such person of weak mind at such times and in such manner as to the Lord Chancellor intrusted as aforesaid may seem fit and necessary, and to report on the case of such person at such times as the Lord Chancellor intrusted as aforesaid may direct:

(4.) No sale shall be made of any real property of such person of weak mind, in pursuance of the powers of this section, nor shall any lease be granted of such property, in pursuance of the same powers, except agricultural leases for a period not exceeding twenty-one years:

(5.) Every guardian appointed under this section shall once at the least in every month file in such manner as may be directed by any special or general order of the Lord Chancellor an account of his receipts and expenditure as such guardian during the preceding month, and of the mode in which such receipts have been derived and expenditure incurred, together with a statement of the balance (if any) of funds remaining in his hands at the date of such account:

(6.) Every such guardian shall pay over any balance found to be due from him on any account in the same manner as if he had been regularly appointed a receiver in a matter of

lunacy or in such other manner as the Lord Chancellor may by special or general order direct.

All lunatics to be visited twice a year.

4. Whereas by section twenty of the Lunacy Regulation Act, 1862, it is enacted that "every lunatic shall be personally visited "and seen by one of the said visitors four times at least in every "year, and such visits shall be so regulated as that the interval "between successive visits to any such lunatic shall in no case "exceed four months: Provided always, that lunatics who are re- "sident in licensed houses, asylums, or registered hospitals shall "not necessarily be visited by any of the said visitors more than "once in the year, unless the Lord Chancellor intrusted as afore- "said shall otherwise direct;" and it is expedient that such visits should be permitted to be made at longer intervals than are required by the said enactment: Be it enacted, that the said section shall be construed as if the word "twice" had been inserted therein instead of the words "four times," and as if the words "eight months" had been inserted therein instead of the words "four months."

A

BILL

INTITULED

An Act for amending the Lunacy Regulation Acts.

(*Brought from the Lords* 22 *June* 1871.)

Ordered, by The House of Commons, *to be Printed*, 26 *June* 1871.

[Bill 214.]

Under 1 *oz.*

Lunacy Regulation (Ireland) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause
1. Title of Act.
2. Interpretation of terms.
3. The clerk of the custodies to be styled the Registrar in Lunacy, his duties and salary.
4. Doctors, &c. certifying to the fact of lunacy, to make a return.
5. Governor or manager of county hospital on receiving any lunatic, &c. to make return.
6. Persons treating any other as lunatic, &c. to make return.
7. Persons making wilfully false returns to be guilty of perjury.
8. Persons neglecting to make return to be subject to penalty.
9. No penalty to be exacted in case of unavoidable accident.
10. Penalties under the Act how recovered.
11. Medical visitors may be ordered to visit alleged lunatic, and report.
12. Inquiry may be ordered on the report of visitor.
13. Alleged lunatic, within jurisdiction, to have notice, and may demand an inquiry before a jury.
14. Where alleged lunatic demands a jury, Lord Chancellor may examine him as to competency, and order a jury.
15. Cases where a jury may be dispensed with.
16. Issue of lunacy may be sent to a common law court, &c.
17. Order of Lord Chancellor or certificate of judge to be deemed an inquisition.
18. Jury to be had if lunatic out of jurisdiction.
19. Inquiry not to be carried back, except under special order.
20. Last five sections not to apply to pending petitions.
21. Nothing to preclude the Lord Chancellor from issuing a special commission.
22. Inquiry by legal visitors may be directed.
23. Evidence may be oral, &c.
24. Lord Chancellor or master may administer oath.

Clause

25. Swearing of affidavits in the colonies, &c.
26. Form of affidavits.
27. Short form of affidavit for verification of documents, as in schedule.
28. Witnesses may be cross-examined orally. How expenses to be paid.
29. Masters may issue advertisements.
30. Lord Chancellor may authorise payment or transfer into court of money or stock as security for receiver.
31. Grant of custody may be extended to surviving, or committees in certain cases.
32. Master to allow items, subject to appeal to Lord Chancellor.
33. Lord Chancellor may dispense with attendance of next of kin.
34. In cases of members of same family, proceedings may be consolidated, and evidence interchanged.
35. Master may direct times, &c. of proceeding before him.
36. Master to inquire into delays.
37. Master may disallow costs.
38. Documents not to be of unnecessary length.
39. Master may report decision pending inquiry.
40. Form of reports.
41. Reports to be filed with Registrar in Lunacy only.
42. Objections to report may be brought in.
43. No petition against confirmation, but objections to be brought forward on petition for confirmation.
44. Reports not objected to may be confirmed without petition.
45. Such reports to contain consequential directions, and fiat of Lord Chancellor to give them operation of orders.
46. Cases in which reports shall not be confirmed without petition.
47. Form of orders.
48. Orders to be entered by the registrar, and office copies to be furnished and signed by him.
49. Money orders to be acted upon by Accountant General as if drawn up by the Registrar of the Court of Chancery. Registrar to certify to Accountant General.

Clause
50. Persons forging the signature or seal of the Registrar guilty of felony.
51. Notwithstanding the death of lunatic, the Lord Chancellor's control over his estate to continue.
52. Upon death of lunatic, the committee to bring in statement of facts. The Master to report thereon.
53. Master may open and deliver out will.
54. Report upon the death of lunatic not to be confirmed save by order of the Lord Chancellor.
55. Order which may be by the Lord Chancellor upon any such report.

Visitors.

56. Duties of visitors.
57. All lunatics to be visited four times a year.
58. Visitors to report to Lord Chancellor.
59. Visitor's reports to be kept secret, and destroyed on death, &c.
60. Committee may surrender lease, and accept renewal.
61. Charges of renewal to be charged on estates.
62. New leases to be to the same uses.
63. Lunatic's property may be sold, mortgaged, &c., for debts, maintenance, &c.
64. Power to charge lunatic's property for his maintenance, debts, and costs.
65. Modes in which future maintenance may be charged when interest not in possession.
66. Expenses of improvements may be charged on estate.
67. Surplus of moneys to be of the same nature as the estate.
68. Power to Lord Chancellor, where property of lunatic does not exceed 2,000*l.* in value, or 100*l.* per annum, to apply it for his benefit in a summary manner, without inquisition.
69. Power to sell land or other property of lunatic for his benefit.
70. Power to apply property of persons acquitted on the ground of insanity for their benefit.
71. Where lunacy temporary, Lord Chancellor may apply cash arising from income for temporary maintenance, without grant, &c.
72. Committee may convey land in performance of contracts.

Clause
73. Lord Chancellor may dissolve partnership, and committee may convey partnership property.
74. Committee may make sale, partition, or exchange.
75. Committee may sell land for building purposes.
76. Committee may assign business premises.
77. Committee may dispose of undesirable lease.
78. Committee may make building and other leases, subject to such covenants as Lord Chancellor shall order.
79. Committee may make leases of mines already opened.
80. Committee may, where necessary for maintenance of lunatic, or expedient, make leases of mines unopened.
81. Lord Chancellor, in matters of lunacy, enabled to empower committees of estates to grant leases binding on issue or remaindermen.
82. Produce of newly-opened mines, where necessary for lunatic's maintenance, to be so applied; otherwise to be carried to separate account, and be considered real estate.
83. Committee may execute leasing powers of lunatic having limited estate.
84. Committee may accept surrender, and make new lease.
85. Fines, how to be paid. On death of lunatic, quality of money arising by fines.
86. Committee may exercise power vested in lunatic for his own benefit or give consent.
87. Committee may exercise power vested in lunatic in character of trustee or guardian, &c.
88. Appointment of new trustees under power to have effect of appointments by Court of Chancery, and like orders may be made as under Trustee Act, 1850.
89. Deeds, &c. executed under this Act to be as valid as if lunatic had been of sound mind.
90. Stock belonging to lunatic may be ordered to be transferred.
91. Stock in name of lunatic residing out of Ireland may be ordered to be transferred.
92. Who shall be appointed to make transfer.
93. All deeds, transfers, payments, &c., made in pursuance of this Act to be valid and binding. Indemnity to the Bank of Ireland, &c.
94. Costs may be paid out of estate.

Clause
95. Act not to subject lunatic's property to debts.
96. Powers to extend to colonies, &c.

Traverse.

97. Petitions for traverse to be presented within a limited time.
98. Persons not petitioning, or not proceeding to trial within limited time, barred.
99. Lord Chancellor may direct new trials. No person shall traverse oftener than once.
100. Lord Chancellor may, notwithstanding traverse, make orders for management of person and estate.
101. No traverse of an inquisition made by one of the judges of the superior courts and by a jury to be granted, but new trial may be ordered by the Lord Chancellor.
102. Commission may be superseded on conditions.
103. Power to appoint a guardian of person of weak mind.
104. No order to have validity for more than six months.
105. Guardian to file monthly accounts.
106. Hearing of petition for guardian to be in camerâ.
107. Conveyances, transfers, &c. executed by guardian to be valid.
108. Appointment of future registrars.
109. Annual per-centage to be charged on estates of lunatics.
110. Master to certify the amount of the clear annual income of each lunatic.
111. Per-centage to be paid notwithstanding death, &c. before payment.
112. Power to Lord Chancellor to alter per-centage and fees.
113. Power to exempt small properties.
114. Provisions respecting per-centage and fees to apply to cases under 8 & 9 Vict. c. 100. and to certain cases where lunatic is out of jurisdiction.
115. Lord Chancellor may direct annuities to be paid to registrars, &c.
116. Annuities and salaries to be in lieu of fees.
117. Lord Chancellor may direct office expenses, &c. to be paid out of the fees.

General Orders.

Clause
118. Power to Lord Chancellor to make general orders.

Schedules.

A

B I L L

INTITULED

An Act to amend the Law in Ireland relating to Commissions of Lunacy, and the proceeding under the same, and the management of the Estates of Lunatics; and to provide for the visiting and the protection of the Property of Lunatics in Ireland; and for other purposes. A.D. 1871.

WHEREAS it is expedient to amend the law relating to Commissions of Lunacy, and the proceedings under the same, and to provide more effectually for the visiting of persons found or supposed lunatic, and to make the other provisions herein-after contained for the institution, speeding, and deciding of inquiries de lunatico, and with respect to certain officers in lunacy and otherwise:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Lunacy Regulation (Ireland) Act, 1871. Title of Act.

2. In this Act, unless there be something in the subject-matter or contents repugnant to the construction— Interpretation of terms.

The expression "the Lord Chancellor" shall be construed to mean the Lord High Chancellor of Ireland for the time being, and to include or be applicable to the Lord Keeper or Lords Commissioners for the custody of the Great Seal of the kingdom of Ireland for the time being: "The Lord Chancellor."

And the expression "the Lord Chancellor intrusted as aforesaid" shall be construed to mean the Lord High Chancellor of Ireland for the time being intrusted by virtue of the Queen's sign manual with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind: "The Lord Chancellor intrusted as aforesaid."

A.D. 1871.

"The master."

And the expression "the master" shall, as to all matters in lunacy now pending in which a reference hath hitherto been made to any of the present masters of the Court of Chancery in Ireland, be construed to mean the master to whom the last reference in the said pending matter hath been made, or such other master of the said court to whom the Lord Chancellor intrusted as aforesaid shall by an order to be made in the matter of the said lunacy direct that future reference and application in the matter of the said lunacy shall be made, and shall as to all matters in lunacy to be hereafter commenced and instituted, and all matters in lunacy now pending in which no reference hath hitherto been made to any of the present masters of the court, be construed to mean the Receiver Master of the Court of Chancery in Ireland for the time being:

"The registrar."

And the expression "the registrar" shall be construed to mean the registrar in lunacy for the time being:

"Medical visitors."

And the expression "medical visitors" shall be construed to mean the medical visitors for the time being appointed by the Chancellor intrusted as aforesaid and also the inspectors of lunatic asylums in Ireland for the time being appointed under and by virtue of the provisions of an Act passed in the fifth and sixth years of Her Majesty, and entitled "An Act for "amending until the first day of August one thousand eight "hundred and forty-five, and until the end of the then next "session of Parliament, the law relating to private lunatic "asylums in Ireland," and the several Acts continuing the same:

"Legal visitors."

And the expression "legal visitors" shall be construed to mean the legal visitors for the time being appointed by the Chancellor intrusted as aforesaid to perform the duties herein-after specified:

"Solicitor for minors and lunatics."

And the expression "solicitor for minors and lunatics" shall be construed to mean the solicitor for minors and lunatics for the time being appointed by the Chancellor intrusted as aforesaid according to the practice in lunacy and minor matters in Ireland:

"Land."

And the word "land" shall be construed to comprehend any manor, messuage, tenement, hereditament, or real property of whatsoever tenure, and also property of every description transferable otherwise than in books kept by any company or society, or any share thereof or charge thereon, or estate or interest therein:

A.D. 1871.

And the word "stock" shall be construed to comprehend any fund, annuity, or security transferable in books kept by any company or society, or any money payable for the discharge or redemption thereof, or any share or interest therein: "Stock."

And the word "dividends" shall be construed to comprehend interest or other annual produce: "Dividends."

And the provisions relating to "the Bank of Ireland," save such as regard the lodgment of moneys to the credit of the lunacy fund herein-after mentioned, shall be construed to extend and be applicable to every other company or society established or to be established: "The Bank of Ireland."

And the word "conveyance" shall be construed to comprehend any release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same: "Conveyance."

And the word "transfer" shall be construed to comprehend any assignment, payment, or other disposition: "Transfer."

And the word "lunatic" shall be construed to mean any person found by inquisition idiot, lunatic, or of unsound mind, and incapable of managing himself or his affairs: "Lunatic."

And the words "alleged lunatic" shall be construed to mean any person stated to be or treated as if he were a lunatic, or any person as to the fact of whose lunacy the Lord Chancellor intrusted as aforesaid shall think fit that inquiry should be had: "Alleged lunatic."

And the words "person of weak mind" shall be construed to mean any person from any temporary cause or sickness affecting his mental capacity incapable of managing himself or his affairs: "Person of weak mind."

And an expression "next of kin" shall be construed to refer to the next of kin of a lunatic, and to comprehend his heir or heirs-at-law, and also the person or persons who would be entitled to his estate, or to shares thereof, under the statutes for the distribution of the effects of intestates, in case he were dead intestate: "Next of kin."

And the word "person" or "party" shall be construed to comprehend a body corporate. "Person or party."

3. The present clerk of the custodies of idiots and lunatics shall henceforth be styled the registrar in lunacy, and the said registrar for the time being shall fulfil the duties now fulfilled by the clerk of the custodies of idiots and lunatics, and such other duties as shall be in this Act by him directed to be performed, and shall receive such The clerk of the custodies to be styled the Registrar in Lunacy; his duties and salary.

A.D. 1871.

annual salary, not exceeding the annual sum of pounds, payable out of the lunacy fund herein-after mentioned, in such manner and at such time as the Lord Chancellor intrusted as aforesaid shall by any order or orders at any time or from time to time direct and appoint, and after the resignation or dismissal of the present registrar, or his ceasing to act as such registrar, all future registrars shall be appointed in the manner and for the time herein-after provided.

Doctors, &c. certifying to the fact of lunacy to make a return.

4. Every doctor, surgeon, or apothecary, and every person professing to act as a doctor, surgeon, or apothecary, who shall sign a certificate of the lunacy of any person, shall within one week from the date of the signing by him of such certificate transmit by post to the office of the registrar a notice or return setting forth in full the certificate so signed by him as aforesaid, his own name, profession, and residence, the name, residence, and description of the person so certified by him to be of unsound mind, the name, residence, and description of the person by whom he was employed to make or at whose request he made such certificate, the purpose for which such certificate was given by him, the place where the person certified by him to be of unsound mind was examined by him, the nature of the alleged lunacy, and the person or persons (if any) from whom he received information as to the lunacy of the person by him certified to be of unsound mind, together with all such other particulars and circumstances as shall be directed by the Lord Chancellor intrusted as aforesaid by any general order.

Governor or manager of county hospital on receiving any lunatic, &c. to make return.

5. Every governor or manager of any county or public hospital, or infirmary for the reception of lunatics, and every proprietor of any lunatic asylum, and every person whosoever who shall receive into or keep and detain in his custody or care any person being of unsound mind, shall within one week from the date at which he shall have received into or begun to keep or detain in his custody or care any such person, transmit by post to the registrar a notice or return setting forth his own name, residence, and description, the name, last known residence, and description of such person so received or kept or detained, the name, residence, and description of the person by whom or by whose order or direction or request such person so declared had been delivered into or was then kept and detained in the custody or care of the person making or giving such return or notice, the name or names of the doctor, surgeon, or apothecary, doctors, surgeons, or apothecaries, or of any other person or persons (if any) who shall have certified to the lunacy of the said person so received or kept or detained, and also the age, the nature of the

lunacy, and property (if any) of such person, together with all such other circumstances as shall be directed by the Lord Chancellor intrusted as aforesaid by any general order.

Persons treating any other as lunatic, &c. to make return.

6. Any person who shall treat or cause to be treated any other person as of unsound mind and incapable of managing his person or property, by confining him or retaining him in his care or custody, or by causing him to be confined in any hospital, infirmary, gaol, prison, bridewell, lunatic asylum, whether public or private, or other public institution or place of confinement whatsoever for the reception of persons of unsound mind (other than an union workhouse), or in the custody of any other person, or by instituting or defending, or causing to be instituted or defended in his name, any legal proceedings, or by interfering in the management of the property as being the property of a person of unsound mind and incapable of managing his person or property, or otherwise howsoever, shall, within one week after beginning so to treat or cause to be treated any person as of unsound mind and incapable of managing his person or property as aforesaid, transmit by post to the registrar a notice or return setting forth his own name, residence, and description, the name, last residence, present abode, and description of the person so treated, the name, residence, and description of the person in whose custody or care the person so treated is, the name or names of the doctor, surgeon, or apothecary, doctors, surgeons, or apothecaries, or any other person or persons (if any) who shall have certified to the lunacy of the person so treated, the age, the nature of the lunacy, and the property (if any) of the person so treated, together with all such other particulars and circumstances as shall be directed by the Lord Chancellor intrusted as aforesaid by any general order.

Persons making wilfully false returns to be guilty of perjury. See 26 Vict. c. 11. s. 55.

7. Every person who shall wilfully make or cause to be made in any return or notice to be by him under the provisions of this Act transmitted to the registrar any false statement touching any of the particulars hereby required to be contained in any such return or notice as aforesaid shall be subject to the same pains and penalties as if he were guilty of perjury.

Persons neglecting to make return to be subject to penalty. See 26 Vict. c. 11. s. 58.

8. Any person who under this Act is required to transmit to the registrar any such return or notice as aforesaid and within the period aforesaid, and who shall neglect to transmit to the registrar such return or notice within the said period, shall be liable for every such offence to forfeit a sum not exceeding ten pounds.

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No penalty to be exacted in case of unavoidable accident. 26 Vict. c. 11. s. 64.

9. No penalty shall be exacted in any case when it shall appear to the satisfaction of the justice or justices that the person failing to comply with the provisions of this Act relating to the transmitting of returns or notices under the provisions herein-before contained has so failed by unavoidable accident, or by circumstances over which he had no control, and having used every reasonable endeavour towards compliance with such provisions.

Penalties under the Act how recovered. See 26 Vict. c. 11. s. 65.

14 & 15 Vict. c. 93.

10. Any penalty recoverable under the provisions of this Act shall be recoverable in a summary way with respect to the police district of Dublin metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

Medical visitors may be ordered to visit alleged lunatic, and report.

11. The Lord Chancellor intrusted as aforesaid may at any time and from time to time direct one or more of the medical visitors to visit any alleged lunatic, and inquire into the state and condition of his mind, and his capacity or incapacity to manage his person or property, and his residence, mode of treatment, and condition generally, and also to make such other specific inquiries relative to the alleged lunatic as to the Chancellor intrusted as aforesaid may seem fit, and to report thereon, and every such report shall be filed in the office of the registrar, but it shall not be permitted to be inspected by nor shall any copy thereof be given to any person without a special order of the Lord Chancellor intrusted as aforesaid to that effect, and to be made in the matter of the alleged lunacy.

Inquiry may be ordered on the report of visitor. See 16 & 17 Vict. c. 70.

12. The Lord Chancellor intrusted as aforesaid may, by an order in the matter of the alleged lunacy, direct that any report to be made by one or more of the medical visitors under the provisions in the preceding section contained shall stand and be proceeded upon as a petition presented in the matter of the alleged lunacy praying for a commission to inquire as to the lunacy of the alleged lunatic supported by evidence, and the alleged lunatic shall have notice of the report from such person as the Lord Chancellor, intrusted as aforesaid, shall from time to time direct; and the Lord Chancellor, intrusted as aforesaid, may in every such or any subsequent order direct who shall have the carriage of and proceed upon such report and order as if he had himself presented a petition

praying for a commission to inquire as to the lunacy of the alleged lunatic, and if the order to be made by the Lord Chancellor intrusted as aforesaid, shall not contain any such direction as aforesaid, and until an order in that behalf be made by the Lord Chancellor as aforesaid, the solicitor for minors and lunatics shall have the carriage of and proceed upon every such report and order, and the costs and expenses to be incurred by any person in proceeding upon any such report and order in obedience to any such order as aforesaid shall be paid and provided for in such manner as the Lord Chancellor intrusted as aforesaid may by any general or special order at any time or from time to time direct. A.D. 1871.

Alleged lunatic within jurisdiction to have notice, and may demand an inquiry before a jury. See 16 & 17 Vict. c. 70. s. 40.

13. Where the alleged lunatic is within the jurisdiction he shall have notice of the presentation of the petition for inquiry, or of the report and order thereon made under the provisions of this Act, and may, by a notice signed by him and attested by his solicitor, and filed with the registrar, within seven days after such notice had by him as aforesaid, or at or within such other time as the Lord Chancellor intrusted as aforesaid shall order in the particular case, demand an inquiry before a jury.

Where alleged lunatic demands a jury, Lord Chancellor may examine him as to competency, and order a jury. 16 & 17 Vict. c. 70. s. 41.

14. Where the alleged lunatic demands an inquiry before a jury the Lord Chancellor intrusted as aforesaid shall in his order for inquiry direct such inquiry to be sped before a jury, unless he be satisfied by personal examination of the alleged lunatic that he is not mentally competent to form and express a wish for an inquiry before a jury; and the Lord Chancellor intrusted as aforesaid may, where he shall deem it necessary, after presentation of the petition for inquiry, or the order to be made upon any report as aforesaid, and for the purpose of personal examination, require the alleged lunatic to attend him at such convenient time and place as he may appoint.

Cases where a jury may be dispensed with. 16 & 17 Vict. c. 70. s. 42.

15. Where the alleged lunatic does not demand an inquiry before a jury, or the Lord Chancellor intrusted as aforesaid is satisfied by personal examination of him that he is not mentally competent to form and express a wish in that behalf, and it appears to the Lord Chancellor intrusted as aforesaid, upon consideration of the evidence adduced before him on the petition for inquiry, or proceeding upon such report and order as aforesaid, and of the circumstances of the case, so far as they are before him, to be unnecessary or inexpedient that the inquiry should be before a jury, and he accordingly does not in his order for inquiry direct the inquiry to be sped before a jury, then the Chancellor intrusted as aforesaid shall, without a jury, take such evidence, upon oath or otherwise, and call for such

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information, and, if it shall seem to him necessary, require the production before himself of, and personally examine, the alleged lunatic, in order to ascertain whether or not the alleged lunatic is or is not of unsound mind, and shall, by an order to be made in the matter of the alleged lunacy, declare whether the alleged lunatic is or is not of unsound mind, and incapable of managing his person or property.

Issue of lunacy may be sent to a common law court, &c. See 25 & 26 Vict. c. 86. s. 4.

16. In every case in which the inquiry whether the alleged lunatic be or be not of unsound mind is to be sped before a jury, the Lord Chancellor intrusted as aforesaid may direct that no commission de lunatico be issued, but that in lieu thereof, by an order in the matter of the alleged lunacy, direct that the issue whether the alleged lunatic be or be not of unsound mind and incapable of managing his person or property be sent to one of the superior courts of common law in Dublin, or to the chairman of quarter sessions, or the recorder in whose jurisdiction the alleged lunatic is resident, and may in any such order give such directions as to the form of such issue, the evidence of the fact of the alleged lunacy, the personal examination of the alleged lunatic, the venue of such issue, and otherwise as to him shall seem fit and necessary; and, subject to such special direction as aforesaid, the said issue shall be tried and the finding certified according to the practice now in force as to issues directed out of the Court of Chancery.

Order of Lord Chancellor or certificate of judge to be deemed an inquisition. See 16 & 17 Vict. c. 70. s. 44.

17. When the Lord Chancellor intrusted as aforesaid shall, by any order to be made in the matter of an alleged lunacy, declare that the alleged lunatic is of unsound mind and incapable of managing his person or property, and has been so from a time past, or, on the contrary, certify that the alleged lunatic is of sound mind and capable of managing himself and his property, or where the judge, chairman of quarter sessions, or recorder who shall have tried any issue directed under the provisions herein-before contained shall certify that the jury have found that the alleged lunatic is of unsound mind and incapable of managing his person or property, and has been so from a time past, or, on the contrary, that the alleged lunatic is of sound mind and capable of managing himself and his affairs, and otherwise as by the order directing such issue shall have been required, such order to be made in the matter of the alleged lunacy as aforesaid, or such certificate, when filed in the office of the registrar, shall be and be deemed to be an inquisition, and be of the same force and effect to all intents and purposes, and be proceeded upon in the same manner in all respects as an inquisition taken upon the oath of a jury under a special

commission of inquiry issued by the Lord Chancellor intrusted as aforesaid in the matter of the alleged lunatic. A.D. 1871.

Jury to be had if lunatic out of jurisdiction. See 16 & 17 Vict. c. 70. s. 45.

18. Where the alleged lunatic is not within the jurisdiction the inquiry shall be before a jury, and no further or other notice shall be necessary to be given to him than he would have been entitled to receive if this Act had not been passed.

Inquiry not to be carried back, except under special order. 16 & 17 Vict. c. 70. s. 47.

19. The inquiry, whether with or without a jury, shall, as far as relates to the state of mind of the alleged lunatic, be confined to the question whether or not the alleged lunatic is of unsound mind and incapable of managing his person or property at the time of the inquiry, except where the Lord Chancellor intrusted as aforesaid under special circumstances shall direct that there be also an inquiry from what time the alleged lunatic has been of unsound mind and incapable of managing his person or property, or shall direct that there be also an inquiry whether or not the alleged lunatic was of unsound mind and incapable of managing his person or property at a previous time specified, and thenceforth down to the time of the inquiry.

Last five sections not to apply to pending petitions. See 16 & 17 Vict. c. 70. s. 49.

20. The foregoing provision contained in the preceding five sections shall apply only where the petition for inquiry is presented after the commencement of the Act and the cases to be commenced by a report and order thereon under the provisions herein-before contained, and every petition thereto before presented and on which an order has not then been made, shall, with respect to the inquiry as to the lunacy of the alleged lunatic, be proceeded on as if this Act had not been passed.

Nothing to preclude the Lord Chancellor from issuing a special commission. 16 & 17 Vict. c. 70. s. 50.

21. Nothing in this Act contained shall be taken to preclude the Lord Chancellor intrusted as aforesaid from issuing a commission specially in any case of alleged lunacy if he shall upon any occasion deem it proper to do so, and the foregoing provisions shall be deemed to extend to every commission so issued specially, or so directed as aforesaid, so far as they may be applicable.

Inquiry by legal visitors may be directed. 16 & 17 Vict. c. 70. s. 54.

22. The Lord Chancellor intrusted as aforesaid may at any time, or from time to time, direct the legal visitors or any of them to inquire and report to him whether they or he are or is of opinion that the property of any person alleged to be of unsound mind or detained or taken charge of as of unsound mind but not yet found or declared to be a lunatic is not duly protected, or that the income thereof is not duly applied for his benefit; and if the said legal visitors or visitor so directed by the Lord Chancellor intrusted as aforesaid shall report that they or he are or is of opinion that the

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property of the person alleged to be of unsound mind or detained or taken charge of as of unsound mind, but not yet found or declared to be a lunatic is not duly protected, or that the income thereof is not duly applied for his benefit, or to the same effect, such report shall be filed in the office of the registrar in such manner and such order may be made and proceedings taken thereon; and all inquiries, declarations, and proceedings to be had thereon shall have such force and effect as has been herein-before enacted in relation to reports to be made by the medical visitors, or one of them, or the orders and proceedings to be made and had thereupon.

Evidence may be oral, &c. 16 & 17 Vict. c. 70. s. 55.

23. The Chancellor intrusted as aforesaid, or the master, may direct that the evidence in the matter of a lunatic, or on any particular proceeding in the matter, be taken orally, or partly orally and partly by affidavit, and it shall be so taken accordingly.

Lord Chancellor or master may administer oath. 16 & 17 Vict. c. 70. s. 56.

24. The Chancellor intrusted as aforesaid, or the master, or any person or persons holding an inquiry touching lunacy, whether under this Act or otherwise, may, in the matter of a lunatic or alleged lunatic, cause an oath to be administered to any witness, whether his deposition or affidavit is to be used before him or not.

Swearing of affidavits in the colonies, &c.

25. The provisions of the Act of the thirtieth and thirty-first Victoria, chapter forty-four, sections eighty-one, eighty-two, and eighty-three, respecting affidavits made in causes or matters depending in the High Court of Chancery, Ireland, shall be and the same are hereby extended so as to be applicable, mutatis mutandis, to affidavits made in matters in lunacy.

Form of affidavits. 16 & 17 Vict. c. 70. s. 58.

26. Every affidavit to be used in a matter in lunacy shall be taken and expressed in the first person of the deponent, and shall be divided into paragraphs numbered consecutively, and respectively confined, as nearly as may be, to distinct portions of the subject matter, and sums of money, measures of space, time, and quantity shall be therein expressed by numerals and not by words at length, and the costs thereof shall be taxed accordingly.

Short form of affidavit for verification of documents, as in schedule. 16 & 17 Vict. c. 70. s. 59.

27. Where an affidavit is required for verifying all or some of the statements contained in a petition, statement of facts, proposal, or other document, the affidavit may be annexed or under written thereto, and may be in the form set forth in the second schedule hereunder written, with such variations as the circumstances may require; and where the form is, in the opinion of the taxing master, applicable, no further or greater costs of any affidavit shall be allowed on taxation than would be allowed for an affidavit in the aforesaid form.

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Witnesses may be cross-examined orally. 16 & 17 Vict. c. 70. s. 60.

28. Every person giving evidence by affidavit shall be liable to oral cross-examination by or before the Lord Chancellor intrusted as aforesaid, or the master, in the same manner as if the evidence given by him in his affidavit had been given by him orally before the Lord Chancellor intrusted as aforesaid, or the master, and after cross-examination may be re-examined orally by or on behalf of the person filing the affidavit; and every person giving evidence by affidavit shall be bound to attend before the Lord Chancellor intrusted as aforesaid, or the master, to be so cross-examined and re-examined, upon receiving due and proper notice and payment or tender of his reasonable expenses, in like manner as if he had been duly served with a writ or subpœna ad testificandum before an examiner of the High Court of Chancery in Ireland; and the expenses attending on such cross-examination and re-examination shall be paid in the first instance by the parties respectively, in like manner as if the witness cross-examined were the witness of the party cross-examining, and shall on taxation be ultimately borne and paid by the estate, or the parties respectively, or one of them, as the Lord Chancellor intrusted as aforesaid, or the master, shall direct.

How expenses to be paid.

Masters may issue advertisements. 16 & 17 Vict. c. 70. s. 61.

29. The Lord Chancellor intrusted as aforesaid, or the master, shall be at liberty to cause to be issued from time to time such advertisements as may to him seem expedient with reference to the subject matter of any proceeding, proposal, or inquiry.

Lord Chancellor may authorise payment or transfer into court of money or stock as security for receiver. 16 & 17 Vict. c. 70. s. 64.

30. Where it is desired and the Lord Chancellor intrusted as aforesaid allow that the receiver shall, in lieu of giving security in the manner now used by bond or recognizances with sureties, give security, in the whole or in part, by bringing into court an adequate sum of money or stock, the Lord Chancellor intrusted as aforesaid may by order direct or give liberty for the payment into the Bank of Ireland, with the privity of the Accountant General of the Court of Chancery, to the credit of the matter of the lunatic and the separate credit of the receiver, and as his security pro tanto, any sum of money, or the transfer into the name and with the privity of the said Accountant General, in the matter of the lunatic, and to the separate credit of the security of the receiver, of any sum of stock; and such transfer, investment, and application shall be made by virtue of such order of the Lord Chancellor intrusted as aforesaid, and such sum of money or stock when so paid in or transferred as aforesaid shall stand and be subject to such orders as the Lord Chancellor intrusted as aforesaid shall from time to time or at any time make in respect thereof, and the said Accountant General

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shall declare the trust of the sum of money or stock when so paid or transferred accordingly, subject to the order of the Lord Chancellor intrusted as aforesaid.

Grant of custody may be extended to surviving, or committees, in certain cases. 16 & 17 Vict. c. 70. s. 66.

31. Where the master shall find and report that several persons are fit persons to be appointed the committees of the estate or of the person, and is of opinion that one or more of the same several persons should continue to be the committee or committees after the death or discharge of the others or other of them, and such persons are willing so to continue, the master may report accordingly; and where such report be confirmed the continuing committee or committees shall and may continue until further order to act after the death or discharge of the other or others of them, with the like powers, authorities, and discretions, and subject to all the like liabilities, as the original committees.

Master to allow items, subject to appeal to Lord Chancellor. 16 & 17 Vict. c. 70. s. 68.

32. Where the master is of opinion that any expenses included in the committee's or receiver's account have been properly and reasonably incurred for the benefit or enjoyment of the lunatic, or in a due course of management, or for the improvement, security, or advantage of his estate, and there is no opposition to the allowance thereof, it shall be lawful for the master to allow credit for the same or such portion thereof as he shall deem just and proper, subject to the disallowance, diminution, or modification of such credit by an order to be made by the Lord Chancellor intrusted as aforesaid, upon the motion of any party having an interest in the lunatic or his estate, and the order to be made upon and the costs of such motion shall be at the discretion of the Lord Chancellor intrusted as aforesaid.

Lord Chancellor may dispense with attendance of next of kin. 16 & 17 Vict. c. 70. s. 80.

33. The Lord Chancellor intrusted as aforesaid may by order dispense with and disallow the attendance on the proceedings in the matter of all or some of the next of kin either wholly or except at their own expense, or except upon special leave first obtained, as he shall under the circumstances think expedient, and such notice only of attending on the proceedings shall be given as shall be conformable with the order of the Lord Chancellor intrusted as aforesaid.

In cases of members of same family, proceedings may be consolidated, and evidence interchanged.

34. The Lord Chancellor intrusted as aforesaid, where it seems expedient, may consolidate or carry on together similar proceedings before him in the matters of several persons being members of the same family, and may in that case, and also where it does not seem expedient that the proceedings should be

consolidated or carried on together, use in the matter of one member of a family evidence filed or taken in the matter of another member or other members of the same family, when and so far as it may be applicable.

16 & 17 Vict. c. 70. s. 83.

Master may direct times, &c. of proceeding before him. 16 & 17 Vict. c. 70. s. 86.

35. Subject to the provisions of this Act and to the general orders in lunacy for the time being in force, and to any order of the Lord Chancellor intrusted as aforesaid, the master may, if he think fit, dispense with any summons ordinarily taken out in the course of the proceedings before him, and direct and require any party attending before him to take out a summons for a particular purpose or within a particular time, and fix the time at which any particular summons shall be returnable before him, or at or within which any proceeding necessary or proper to be taken before him shall be taken, and may proceed de die in diem or adjourn the proceedings before him, as he shall see fit.

Master to inquire into delays. 16 & 17 Vict. c. 70. s. 87.

36. The master shall from time to time inquire into the circumstances of any delay in the conduct of proceedings before him, or in proceeding upon his reports, certificates, or decisions, and for that purpose may call before him all parties concerned, and may report accordingly, where it seems expedient.

Master may disallow costs. 16 & 17 Vict. c. 70. s. 88.

37. The master may, by certificate, disallow, wholly or in part, the costs of any proceeding or document taken or used or proposed to be taken or used before him.

Documents not to be of unnecessary length. 16 & 17 Vict. c. 70. s. 89.

38. The affidavits, petitions, and other documents brought in to the offices of the master or registrar shall not contain unnecessary recitals or statements of proceedings or documents previously taken or used in the matter, and the taxing masters shall look into all such affidavits, petitions, and other documents as aforesaid, and deal in such manner as to them seems just with the costs of any affidavit, petition, or other document appearing to them to be unnecessary or improper, in the whole or in part, or of unnecessary length.

Master may report decision pending inquiry. 16 & 17 Vict. c. 70. s. 90.

39. The master shall be at liberty to report specially to the Lord Chancellor intrusted as aforesaid any decision at which he may arrive, or any other matter relating to any inquiry or proposal pending before or under consideration by him, in order to obtain a decision or direction by or from him for his guidance in the further prosecution of the inquiry or consideration of the proposal.

Form of reports. 16 & 17 Vict. c. 70. s. 91.

40. The reports of the master shall be divided into distinct findings, numbered consecutively, and each confined, as nearly as may be, to one distinct portion of the subject matter, and each such

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finding commencing as a separate paragraph, with such appropriate headings prefixed to all or any of the paragraphs as may be convenient.

Reports to be filed with Registrar in Lunacy only. 16 & 17 Vict. c. 70. s. 92.

41. The reports of the master, whether confirmed by fiat or not under the provisions herein-after contained, and his certificates, and all other reports and certificates made in matters in lunacy (except the reports of the visitors herein-after provided for), shall be left by the master, taxing masters, and other officers making the same respectively, with the registrar in lunacy, by whom the same shall be filed, and it shall not be necessary that they or any of them should be filed elsewhere; and the Accountant General of the Court of Chancery, and all other persons, and the Governor and Company of the Bank of Ireland, shall, as occasion may require, act upon or in relation to any report, and the fiat thereon (if any) or any certificate so filed, in like manner as upon an order made in the matter of the lunatic by the Lord Chancellor intrusted as aforesaid.

Objections to report may be brought in. 16 & 17 Vict. c. 70. s. 93.

42. Any person objecting to a draft report of the masters, and desiring to prosecute the objection, shall bring in before the master a statement of objections in writing, and thereupon the master shall be at liberty to review the draft objected to, and after review, or the refusal of the master to review, the person objecting may bring in before the master a notice in writing, stating that he insists on the objections, or any one or more of them, and all the objections not so insisted on shall be considered as abandoned.

No petition against confirmation, but objections to be brought forward on petition for confirmation. 16 & 17 Vict. c. 70. s. 94.

43. No person shall, except upon special leave of the Lord Chancellor intrusted as aforesaid first obtained, present a petition against the confirmation of a report, but in every case, on the hearing of the petition for confirmation of the report, any objections insisted on as aforesaid may be brought forward in opposition to the confirmation of the report, without any exceptions or cross petition.

Reports not objected to may be confirmed without petition. 16 & 17 Vict. c. 70. s. 95.

44. Where no statement of objections is brought in, or all the objections contained in a statement brought in are abandoned, the report shall be submitted to the Lord Chancellor intrusted as aforesaid for confirmation, without petition, and without the attendance of parties, except where from the special nature or circumstances of the case the master is of opinion that the report ought to be brought before the Lord Chancellor intrusted as aforesaid by petition, and by endorsement on the report under his hands shall so direct accordingly.

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Such reports to contain consequential directions, and fiat of Lord Chancellor to give them operation of orders. 16 & 17 Vict. c. 70 s. 96.

45. Where a report is to be submitted for confirmation without petition it shall contain the directions consequential on the confirmation thereof, and the fiat of the Lord Chancellor intrusted as aforesaid on the report shall give it the operation of an order of the Lord Chancellor intrusted as aforesaid made upon petition, subject to such other directions and provisions (if any) as the Lord Chancellor intrusted as aforesaid may think fit.

Cases in which reports shall not be confirmed without petition. 16 & 17 Vict. c. 70. s. 97.

46. The reports of the master shall be brought before the Lord Chancellor intrusted as aforesaid, for confirmation, by petition, in each of the cases following :—

1. Where the Lord Chancellor intrusted as aforesaid on referring a matter to the master to inquire and report so directs :
2. Where a statement of objections is brought in and all the objections are not abandoned :
3. Where the master, having regard to the special nature or circumstances of the case, as herein-before provided, so directs :
4. Where no order is made on the report being submitted for confirmation without petition :
5. Where it is therein-after otherwise specially provided :

And in such other cases as are herein mentioned and as the Lord Chancellor shall from time to time by general order direct.

Form of orders. 16 & 17 Vict. c. 70. s. 98.

47. Every petition shall be filed before an order thereon shall be passed, and the order shall not recite any part of the statements contained in the petition, and only such part (if any) of the prayer as may be necessary, and an order shall not state any part of a report, except the Master's conclusion or opinion, or so much thereof as may be necessary ; and the Lord Chancellor intrusted as aforesaid may and shall from time to time make such general orders as to him shall seem meet for embodying (as far as may be) such provisions and directions as are now commonly or frequently inserted in orders and are not provided for by this Act, and for dispensing (as far as may be) with the formal parts of orders as now drawn up.

Orders to be entered by the registrar, and office copies to be furnished and signed by him. 16 & 17 Vict. c. 70. s. 98.

48. Every order made in a matter in lunacy by the Lord Chancellor intrusted as aforesaid, when drawn up by the Registrar in lunacy, and signed by the Lord Chancellor intrusted as aforesaid, shall be entered by the registrar in lunacy in a proper book to be provided by him for that purpose, and he shall furnish office copies of any order or of any report, when confirmed, or of any part thereof respectively, signed by him, and sealed or stamped with the

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seal of his office, to every party in the matter or other person entitled thereto who shall require the same; and every office copy of the whole of an order or report confirmed as aforesaid, purporting to be so signed and sealed or stamped with such seal, shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted as evidence of the order or report confirmed as aforesaid of which it purports to be a copy, without any further proof thereof.

Money orders to be acted upon by Accountant General as if drawn up by the Registrar of the Court of Chancery. 16 & 17 Vict. c. 70. s. 101.

49. Where an order or a report confirmed as aforesaid relates to the payment, transfer, carrying over, or depositing of any cash, stock, funds, annuities, securities, or other effects to or into the name of or in the custody of the Accountant General of the Court of Chancery to the credit of the matter of a lunatic, or to the payment, transfer, or carrying over or other disposal by the said Accountant General of any cash, stocks, funds, annuities, securities, or other effects standing in his name or deposited in his custody to the credit of the matter of a lunatic, or of any cash, stocks, funds, annuities, securities, or other effects to or in which a lunatic is entitled or beneficially interested, and which are not standing in trust in a cause or matter depending in the Court of Chancery, the said Accountant General and all other persons, and the Governor and Company of the Bank of Ireland, shall act upon an office copy of such order purporting to be signed by the registrar and sealed with the seal of his office, or upon an office copy of the report confirmed as aforesaid, and thence receiving the operation of an order after the same has been filed as herein-before provided, in the same manner as if an order had been drawn up by the registrar of the Court of Chancery, and passed and entered in the Court of Chancery; and the registrar in lunacy in case of an order, and the master in case of a report confirmed as aforesaid, shall certify under their hands respectively to the said Accountant General what stocks, funds, annuities, securities, or other effects are by virtue of any such order or report confirmed as aforesaid (as the case may be) to be sold, transferred, or delivered out.

Registrar to certify to Accountant General.

Persons forging the signature or seal of the registrar guilty of felony. 16 & 17 Vict. c. 70. s. 102.

50. If any person shall forge the signature of the registrar in lunacy, or shall forge or counterfeit the seal of his office, or knowingly concur in using any such forged or counterfeited signature or seal, or shall tender in evidence any document with a false or counterfeit signature of such registrar, or with a false or counterfeit seal, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall be liable to the same punishment as any offender under an Act of the session

of Parliament holden in the eighth and ninth years of the reign of Her Majesty, chapter one hundred and thirteen. A.D. 1871.

Notwithstanding the death of lunatic, the Lord Chancellor's control over his estate to continue.

51. Notwithstanding the death of a lunatic the real and personal estate of such deceased lunatic shall continue under and in the control, custody, and protection of the Lord Chancellor intrusted as aforesaid, until the Lord Chancellor intrusted as aforesaid shall have by an order discharged the real and personal estate of the deceased lunatic from the custody and protection of the Court; and until such order as aforesaid the Lord Chancellor intrusted as aforesaid shall retain, possess, enjoy, and exercise the same powers, control, and authority over the real and personal estate of the deceased lunatic as he would and might have possessed, enjoyed, and exercised over such real and personal estate if the said deceased lunatic had not died as aforesaid.

Upon death of lunatic the committee to bring in statement of facts.

The master to report thereon.

52. Upon the death of any lunatic the committee of his estate shall bring in and lodge in the office of the master a statement of facts in which he shall set forth the date of the death of the deceased lunatic, whether the deceased lunatic had executed a will or died intestate, what are the claims and demands against the estate of the lunatic in the matter of the lunacy for costs, maintenance, or otherwise, and who is or are the heirs, next of kin, executors, or trustees (if any) nominated by, and the devisees of the real estate named by the will of the deceased lunatic, and the master shall thereupon report to the Lord Chancellor intrusted as aforesaid the fact and date of the death of the deceased lunatic, whether the deceased lunatic had executed a will or died intestate, what are the claims and demands against the estate of the lunatic in the matter of the lunacy for costs, maintenance, and otherwise, and who are interested in or entitled to the real or personal estate of the lunatic as heirs-at-law or next of kin or as the trustees or devisees named in the will of the deceased lunatic, and what proceedings (if any) he would recommend for the purpose of winding up the said lunacy matter, which report shall be settled by the master in the presence of and upon notice to such person or persons as the master shall by his ruling, to be made upon hearing the statement of facts previously presented by the committee of the estate, have directed.

Master may open and deliver out will. 16 & 17 Vict. c. 70. s. 84.

53. The Master may, on being satisfied of a lunatic's death, without order, open and read any paper writing purporting or alleged to be his will, for the purpose of ascertaining who is therein nominated executor thereof, and also whether or not there is any

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and what direction therein contained concerning his funeral or place of interment, and then deliver the same to the registrar or other proper officer of Her Majesty's Court of Probate in Ireland, to the intent that it may be dealt with according to law, and shall certify the death, and the opening and delivering out of the paper writing accordingly.

Report upon the death of lunatic not to be confirmed save by order of the Lord Chancellor.

54. A report of the matter to be made in pursuance of the provisions comprised in the fifty-second section shall not be confirmed otherwise than by an order of the Lord Chancellor intrusted as aforesaid, to be made upon the hearing of a petition to be presented by any party interested for the confirmation of such report.

Order which may be by the Lord Chancellor upon any such report.

55. In any order confirming a report to be made by the master pursuant to the provisions of the sixty-sixth section of this Act, the Lord Chancellor intrusted as aforesaid may further order, if it should seem fit and convenient to him,—

1. That the receiver appointed in the lunacy matter do continue to receive the rents of the real estate of the deceased lunatic for the purpose of discharging the claims and demands against the estate of the deceased lunatic in the matter of the lunacy for such time and subject to such conditions as to the Lord Chancellor intrusted as aforesaid may seem right:
2. That the claims and demands against the estate of the said lunatic in the matter of the lunacy, or some or any of them, be paid out of the stock or cash standing in the books of the Governor and Company of the Bank of Ireland to the credit of the Accountant-General of the Court of Chancery, and the separate credit of the lunacy matter, or out of such moneys, forming portion of the estate of the lunatic, as may then be in the hands of the receiver of the estate or committee of the estate of the lunatic, and in such manner, at such time, and subject to such conditions as to the Lord Chancellor intrusted as aforesaid may seem fit:
3. That such steps be taken, proceedings had, and things done as to the Lord Chancellor intrusted as aforesaid may seem fit and necessary for winding up and closing the said matter in lunacy:
4. That the said lunacy matter, upon production to the registrar of the probate of the will or letters of administration to the goods and effects of the deceased lunatic, be at such time, in such manner, and subject to such conditions as to the Lord

Chancellor intrusted as aforesaid seem fit and necessary, terminated in and dismissed out of lunacy:

5. That upon the dismissal of the said lunacy matter the receiver and the committee of the estate of the lunatic do give possession of the real and chattel real estate of the lunatic to such person or persons, and at such times, in such manner, and subject to such conditions as to the Lord Chancellor intrusted as aforesaid may seem fit and expedient; provided always, that no order of the Lord Chancellor intrusted as aforesaid that the receiver or committee should give the possession of all or any portion of the real or chattel real estate of the deceased lunatic to any person or persons shall be used, relied on, or received in any court as evidence of the title of such person or persons to whom possession shall have been given as aforesaid, pursuant to any order of the Lord Chancellor intrusted as aforesaid by virtue of the provisions in this section contained; and

6. That the matter of the said lunacy, upon being terminated in and dismissed out of lunacy, be transferred to the court of the Master of the Rolls or Vice-Chancellor, and be there proceeded with as if a bill for the administration of the personal or the real and personal estate of the deceased lunatic had been duly filed in that court, and a decree for the administration of the personal or real and personal estate of the deceased lunatic had been pronounced therein, and in every such order the Lord Chancellor intrusted as aforesaid shall declare who shall be taken to be the plaintiff or plaintiffs and defendant or defendants in the proceedings subsequently to be taken in the court of the Master of the Rolls or Vice-Chancellor, and the proceedings subsequently to be taken in pursuance of such order shall be carried on and conducted as if the person or persons named as plaintiffs in any such order had filed a bill for the administration of the personal or the personal and real estate of the deceased lunatic against the person or persons named as defendant or defendants in such order as aforesaid, and the Master of the Rolls and the Vice-Chancellor shall in every such proceeding have, exercise, and enjoy all the same powers and authorities which they should have had, enjoyed, and exercised if such proceedings had been commenced and instituted by bill, and a decree for administration in the ordinary form had been pronounced therein.

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Visiting.

Duties of visitors. 25 & 26 Vict. c. 86. s. 19.

56. It shall be the duty of the medical and legal visitors to visit persons of unsound mind within the meaning of this Act at such times and in such rotation and manner, and to make such inquiries and investigations as to their care and treatment and mental and bodily health, and the arrangements for their maintenance and comfort, and otherwise respecting them, as the Lord Chancellor shall by general orders, or as the Lord Chancellor intrusted as aforesaid shall by special order in any particular case, from time to time direct.

All lunatics to be visited four times a year. 25 & 26 Vict. c. 86. s. 19.

57. Provided always, that from and after the first day of August next, every lunatic shall be personally visited and seen by one of the medical or legal visitors four times at least in every year, and such visits shall be so regulated as that the interval between successive visits to any such lunatic shall in no case exceed four months; provided always, that lunatics who are resident in licensed houses, asylums, or registered hospitals shall not necessarily be visited by any of the said visitors more than once in the year, unless the Lord Chancellor intrusted as aforesaid shall otherwise direct.

Visitors to report to Lord Chancellor. 16 & 17 Vict. c. 70. s. 106.

58. The medical visitors shall respectively, with a convenient time after each visit, make a report in writing to the Lord Chancellor intrusted as aforesaid of the state of mind and bodily health, and of the general condition, and also of the care and treatment of each person visited and seen by them respectively, and the legal visitors shall report upon such matters as they shall be directed to inquire into, which reports shall, annually or oftener, as the Lord Chancellor intrusted as aforesaid may direct, be submitted to the Lord Chancellor intrusted as aforesaid; and the visitors respectively shall make separate or special reports on any case to the Lord Chancellor intrusted as aforesaid as and when they may think expedient, and in particular shall report to him, without delay, any instance in which they respectively, on proceeding to visit, have been unable to discover the then residence of or have been by any other circumstance prevented from actually seeing on that occasion the lunatic whom they intended to visit.

Visitors reports to be kept secret, and destroyed on death, &c. 16 & 17 Vict. c. 70. s. 107.

59. The reports of the visitors shall be filed and kept secret in the office of the registrar, and shall be open to the inspection of no person save the Lord Chancellor intrusted as aforesaid and such persons as he may specially appoint; and all the reports relating to any particular patient shall be destroyed on the death of the patient, and shall also be destroyed on the inquisition in his case being

superseded, or being vacated and discharged on a traverse, unless the Lord Chancellor intrusted as aforesaid, within fourteen days after the supersedeas or the vacating and discharge on a traverse, specially order that the same be not destroyed until the death.

Committee may surrender lease, and accept renewal. 16 & 17 Vict. c. 70. s. 113. See 1 Will. 4. c. 65. s. 15.

60. Where a lunatic is entitled to a lease for a life or lives or for a term of years, either absolute or determinable on a death or otherwise, the committee of his estate may, in his name and on his behalf, under an order of the Lord Chancellor intrusted as aforesaid, by deed surrender the lease, and in the name and on behalf and for the benefit of the lunatic accept a new lease of the premises comprised in the lease surrendered, for such number of lives, or for such term of years, either absolute or determinable as aforesaid, as was mentioned or contained in the lease surrendered at the making thereof, or otherwise, as the Lord Chancellor intrusted as aforesaid shall order.

Charges of renewal to be charged on estates. 16 & 17 Vict. c. 70. s. 114. See 1 Will. 4. c. 65. s. 14.

61. Every sum of money and other consideration paid by a committee or other person, in the nature of or as a fine, premium, or income upon renewal, and all reasonable charges incident thereto, may be paid out of the lunatic's estate, or may, with interest, be a charge upon the leasehold premises, as the Lord Chancellor intrusted as aforesaid shall order.

New leases to be to the same uses. 16 & 17 Vict. c. 70. s. 115. See 1 Will. 4. c. 65. s. 16.

62. Every lease renewed shall operate and be to the same uses, and be liable to the same trusts, charges, incumbrances, dispositions, devises, and conditions as the lease surrendered was subject to, or would have been subject to if the surrender had not been made.

Lunatic's property may be sold, mortgaged, &c., for debts, maintenance, &c. 16 & 17 Vict. c. 70. s. 116. See 1 Will. 4. c. 65. s. 28.

63. Where it appears to the Lord Chancellor intrusted as aforesaid to be just and reasonable, or for the lunatic's benefit, he may order that any estate or interest of the lunatic in land or stock, either in possession, reversion, remainder, contingency, or expectancy, be sold, or charged by way of mortgage, or otherwise disposed of, as may to him seem most expedient, for the purpose of raising money to be applied, and may accordingly order that the money when raised be applied, for or towards all or any of the purposes following:

1. The payment of the lunatic's debts or engagements;
2. The discharge of any incumbrance on his estates;
3. The payment of any debt or expenditure incurred or made after inquisition, or authorised by the Lord Chancellor intrusted as aforesaid to be incurred or made, for the lunatic's maintenance or otherwise for his benefit;

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4. The payment of or provision for the expenses of his future maintenance;

5. The payment of the costs of applying for, obtaining, and executing the inquiry, and of opposing the same;

6. The payment of the costs of any proceeding under or consequent on the inquisition, or incurred under order of the Lord Chancellor intrusted as aforesaid; and,

7. The payment of the costs of any such sale, mortgage, charge, or other disposition as is hereby authorised to be made.

And the committee of the estate may and shall, in the name and on behalf of the lunatic, execute, make, and do all such conveyances, deeds, transfers, and things relative to any such sale, mortgage, charge, or other disposition as aforesaid, and for effectuating this present provision, as the Lord Chancellor intrusted as aforesaid shall order.

Power to charge lunatic's property for his maintenance, debts, and costs. 25 & 26 Vict. c. 86. s. 16.

64. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the lunatic's benefit, he may by order direct any estate or interest of the lunatic in land or stock, either in possession, reversion, remainder, contingency, or expectancy, and either existing or which may exist at any future time, to stand and be charged with any moneys advanced or to be advanced, or due or to become due, to any person for or in respect of any of the purposes or matters mentioned in the 69th section of this Act, and either with or without interest on such moneys; and he may also by order direct any such estate and interest to be dealt with and disposed of in such manner as he shall consider expedient for any of the purposes aforesaid, or for securing any moneys advanced or to be advanced for such purposes or any of them, and with or without interest for the same; and every charge and disposition directed or made by or in pursuance of any such order shall be valid and effectual to all intents and purposes and shall take effect accordingly, subject only to any prior charge to which the estate or interest affected thereby may at the date of such order be subject.

Modes in which future maintenance may be charged when interest not in possession. 16 & 17 Vict. c. 70. s. 117.

65. In case of a charge or mortgage being made under this Act upon an interest in contingency, or in reversion, remainder, or expectancy, for the expenses of future maintenance, the Lord Chancellor intrusted as aforesaid may direct the same to be payable and paid either contingently, if the interest charged be a contingent one, or upon the happening of the event, if the interest be depending on an event which must happen, and either in a gross sum or in

annual or other periodical sums, and at such times, in such manner, and either with or without interest, as he shall deem expedient, and any charge already made which would have been valid if made after this Act shall be and is hereby declared to be valid.

Expenses of improvements may be charged on estate. 16 & 17 Vict. c. 70. s. 118.

66. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the lunatic's benefit, he may order that the whole or any part of any moneys expended or to be expended under his order for the permanent improvement, security, or advantage of the land of the lunatic, or of any particular part thereof, shall, with interest, be a charge upon and be raiseable out of the lunatic's estate and interest in the land or such particular part thereof as aforesaid, but so that no right of sale or foreclosure during the lifetime of the lunatic be given or acquired under or by virtue of the charge; and the interest shall be kept down during the lunatic's lifetime, out of the income of his general estate, as far as the same shall be sufficient to bear it; and the committee of the estate may and shall, in the name and on behalf of the lunatic, execute and do all such conveyances and things for effectuating this present provision as the Lord Chancellor intrusted as aforesaid shall order; and such charge may be made either to some person advancing the money, or, if the money is paid out of the lunatic's general property, to some person as a trustee for him, as part of his personal estate.

Surplus of moneys to be of the same nature as the estate. 16 & 17 Vict. c. 70. s. 119. 1 Will. 4. c. 65. s. 29.

67. On any moneys being raised by sale, mortgage, charge, or other disposition of land made in pursuance of any of the foregoing provisions, the person whose estate is sold, mortgaged, charged, or otherwise disposed of, and his heirs, next of kin, devisees, legatees, executors, administrators, and assigns, shall have such and the like interest in the surplus moneys remaining after the purposes for which the moneys have been raised shall have been answered as he or they would have had in the estate, if no sale, mortgage, charge, or other disposition thereof had been made, and the surplus moneys shall be of the same nature and character as the estate sold, mortgaged, charged, or otherwise disposed of; and the Lord Chancellor intrusted as aforesaid may make such orders, and direct such conveyances, deeds, and things to be executed and done (which may and shall accordingly be executed and done), as may be necessary for the effectuating this present provision, and for the due application of the surplus moneys.

Power to Lord Chancellor, where property of lunatic does not exceed

68. Where it is established to the satisfaction of the Lord Chancellor intrusted as aforesaid that any person is of unsound mind and incapable of managing his affairs, and that his property does not exceed two thousand pounds in value, or that the income thereof

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£2,000 in value, or £100 per annum, to apply it for his benefit in a summary manner, without inquisition. 25 & 26 Vict. c. 86. s. 12.

does not exceed one hundred pounds per annum, the Lord Chancellor intrusted as aforesaid may, without directing any inquiry under a commission of lunacy, make such order as he may consider expedient for the purpose of rendering the property of such person, or the income thereof, available for his maintenance or benefit, or for carrying on his trade or business: provided nevertheless, that the alleged insane person shall have such personal notice of the application for such order as aforesaid as the Lord Chancellor shall by general order to be made as after mentioned direct.

Power to sell land or other property of lunatic for his benefit. 25 & 26 Vict. c. 86. s. 13.

69. For the purpose of giving effect to any such order as is mentioned in the last preceding section, the Lord Chancellor intrusted as aforesaid, may order any land, stock, or other property of such person as aforesaid, to be sold, charged by way of mortgage, or otherwise disposed of, and a conveyance, transfer, charge, or other disposition thereof to be executed or made by any person on his behalf, and may order the proceeds of any such sale, charge, or other disposition, or the dividends or income of such land, stock, or property, to be paid to any relative of such insane person, or to such other person as it may be considered proper to trust with the application thereof, to be by him applied in the maintenance or for the benefit of the insane person, or of him and his family, either at the discretion of such relative or person, or in such manner, and subject to such control, and with or without such security for the application thereof, as the Lord Chancellor intrusted as aforesaid may direct; and for the purpose above mentioned the Lord Chancellor intrusted as aforesaid shall have all the same powers with respect to the transfer, sale, and disposition of, and otherwise respecting the real and personal property of such person as aforesaid as if he had been found lunatic by inquisition.

Power to apply property of persons acquitted on the ground of insanity for their benefit. 25 & 26 Vict. c. 86. s. 15.

70. Where any person has, on the trial of any indictment, been acquitted on the ground of insanity, or found to be insane, it shall be lawful for the Lord Chancellor intrusted as aforesaid, on being satisfied by affidavit or otherwise of the continued insanity of such person and of his being still in confinement, to make any such order with respect to the property of such person, and the application thereof for his maintenance or benefit, or that of his family, or for carrying on his trade or business, as is mentioned in the two last preceding sections of this Act.

Where lunacy temporary, Lord Chancellor may apply

71. Where it appears to the Lord Chancellor intrusted as aforesaid that there is reason to believe that the unsoundness of mind of any lunatic so found by inquisition is in its nature temporary, and

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will probably be soon removed, and that it is expedient that temporary provision should be made for the maintenance of the lunatic, or of the lunatic and the members of his immediate family who are dependent upon him for maintenance; and that any sum of money arising from or being in the nature of income or of ready money, belonging to the lunatic, and standing to his account with a banker or agent, or being in the hands of any person for his use, is readily available, and may be safely and properly applied in that behalf, the Lord Chancellor, intrusted as aforesaid, may allow thereout such amount as he may think proper for the temporary maintenance of the lunatic, or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and may, instead of proceeding to appoint a committee of his estate or receiver, order or give liberty for the payment of any such sum of money as aforesaid, or any part thereof, to such person as he may, under the circumstances of the case, think proper to intrust with the application thereof, and may direct the same to be paid to such person accordingly, and when received, to be applied, and the same shall accordingly be applied in or towards such temporary maintenance as aforesaid; and the receipts in writing of the person named in the order to whom payment is to be made for any moneys payable to him by virtue thereof shall effectually discharge the banker, agent, or other person paying the same from the moneys therein respectively expressed to be received, and they respectively are hereby directed to act upon and obey every such order; and the person so receiving any moneys by virtue of this present provision shall pass an account thereof before the master, when required.

Cash arising from income for temporary maintenance, without grant, &c. 16 & 17 Vict. c. 70. s. 121.

72. Where a person having contracted to sell, mortgage, let, divide, exchange, or otherwise dispose of any land afterwards becomes lunatic, and the contract is not disputed, and is such as the Lord Chancellor intrusted as aforesaid thinks ought to be performed, or a specific performance of the contract, either wholly or so far as the same remains to be performed, has been decreed or ordered by the Court of Chancery, either before or after the lunacy, the committee of the estate may, in the name and on behalf of the lunatic, under an order of the Lord Chancellor intrusted as aforesaid, on the application of the party claiming the benefit of the contract with the lunatic, or any plaintiff in the suit, receive and give an effectual discharge for the money payable to the lunatic, or so much thereof as remains unpaid, and make such conveyance of the land to such person and in such manner as the Lord Chancellor intrusted as aforesaid may order.

Committee may convey land in performance of contracts. 16 & 17 Vict. c. 70. s. 122. See 1 W. 4. c. 65. s. 27.

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Lord Chancellor may dissolve partnership, and committee may convey partnership property. 16 & 17 Vict. c. 70. s. 123.

73. Where a person, being a member of a copartnership firm, becomes lunatic, the Lord Chancellor intrusted as aforesaid may, by order made on the application of the partner or partners of the lunatic, or of such other person or persons as the Lord Chancellor intrusted as aforesaid shall think entitled to require the same, dissolve the partnership; and thereupon, or upon a dissolution of the partnership by decree of the Court of Chancery, or otherwise by due course of law, the committee of the estate, in the name and on behalf of the lunatic, may join and concur with such other person or persons in disposing of the partnership property, as well real as personal, to such persons, upon such terms, and in such manner, and may and shall execute and do such conveyances and things for effectuating this present provision, and apply the moneys payable to the lunatic in respect of his share and interest in the co-partnership, in such manner as the Lord Chancellor intrusted as aforesaid shall order.

Committee may make sale, partition, or exchange. 16 & 17 Vict. c. 70. s. 124.

74. Where a lunatic is seised of or entitled to an undivided share of land, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit and to be expedient that a sale of the land, or part thereof, or a partition of the land, should be made, and where a lunatic is seised of or entitled to land, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit and to be expedient that an exchange thereof, or of part thereof, for other land, should be made, the committee of the estate, in the name and on behalf of the lunatic, under an order of the Lord Chancellor intrusted as aforesaid, may concur with such other person in making such sale or partition or may make such exchange, and receive such moneys payable on the sale, and give or receive such moneys for equality of partition or exchange, or otherwise in relation thereto, as the order may direct; and all moneys received by the committee of the estate upon any such sale, partition, or exchange as aforesaid shall be applied and disposed of in manner directed in section eighty-five of this Act respecting the fines, premiums, and sums of money therein mentioned; and the land taken in exchange shall be held and assured (as nearly as may be) to the same uses, and upon the same trusts, and subject to the same powers and provisions (if any), to, upon, and subject to which the land given in exchange was held; and the committee of the estate may and shall, in the name and on behalf of the lunatic, execute and do all such conveyances and things for effectuating this present provision as the Lord Chancellor intrusted as aforesaid shall order.

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Committee may sell land for building purposes. 16 & 17 Vict. c. 70. s. 125.

75. Where a lunatic is seised of or entitled to land in fee simple, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit that the same or any part thereof should be made available for building purposes, and that to that end the same should, in lieu of being demised for long terms of years, be absolutely sold, he may order the same to be sold accordingly, to such persons, in such quantities, upon such terms, and in such manner as to him may seem expedient, and the moneys arising thereby shall be applied and disposed of in manner directed in section eighty-five of this Act respecting the surplus moneys therein mentioned; and the committee of the estate may and shall, in the name and on behalf of the lunatic, execute and do all such conveyances and things for effectuating this present provision as the Lord Chancellor intrusted as aforesaid shall order.

Committee may assign business premises. 16 & 17 Vict. c. 70. s. 126.

76. Where a lunatic has been engaged in a trade or business, and it appears to the Lord Chancellor intrusted as aforesaid to be for the benefit of the lunatic or his estate that the business premises should be disposed of, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, make such conveyance of the messuages, buildings, or hereditaments of or belonging to the trade or business, or used in connexion therewith, according to the lunatic's estate and interest in the same, to such person, and shall apply the moneys arising thereby in such manner, as the Lord Chancellor intrusted as aforesaid shall order.

Committee may dispose of undesirable lease. 16 & 17 Vict. c. 70. s. 127.

77. Where a lunatic is entitled to a lease for a life or lives or for a term of years, either absolute or determinable on a death or otherwise, or to an under-lease, of whatsoever nature, and it appears to the Lord Chancellor intrusted as aforesaid to be desirable and for the benefit of the lunatic or his estate that the lease or under-lease should be disposed of, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, surrender, assign, or otherwise dispose of the lease or under-lease, to such person, for such valuable or nominal or other consideration, upon such terms, by such conveyances, and in such manner, and shall apply the moneys (if any) arising thereby in such manner, as the Lord Chancellor intrusted as aforesaid shall order.

Committee may make building and other leases, subject to such cove-

78. Where a lunatic is seised or possessed of or entitled to land in fee or in tail, or to leasehold land for an absolute interest, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit that a lease or under-lease should be made thereof for terms

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nants as Lord Chancellor shall order. 16 & 17 Vict. c. 70. s. 129. See 1 Will. 4. c. 65. s. 24.

of years, for encouraging the erection of buildings thereon, or for repairing buildings actually being thereon, or otherwise improving the same, or for farming or other purposes, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, make such lease of the land, or any part thereof, according to the lunatic's estate and interest therein, and to the nature of the tenure thereof, for such term or terms of years, and subject to such rents and covenants, as the Lord Chancellor intrusted as aforesaid shall order.

Committee may make leases of mines already opened. 16 & 17 Vict. c. 70. s. 130.

79. Where a lunatic is seised or possessed of or entitled to land in fee or in tail, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit that any mine or quarry already opened in, upon, or under the land should be worked, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, make such lease of the mines, quarries, minerals, stones, and substances, in, upon, or under the land, either with or without any land convenient to be held therewith, and with or without the surface, to such person, for such term or terms of years, and subject to such rents, royalties, reservations, covenants, and agreements, and in such manner and form, as the Lord Chancellor intrusted as aforesaid shall order.

Committee may, where necessary for maintenance of lunatic, or expedient, make leases of mines unopened. 16 & 17 Vict. c. 70. s. 131.

80. Where a lunatic is seised or possessed of or entitled to land in fee or in tail, and it appears to the Lord Chancellor intrusted as aforesaid either to be necessary for the maintenance of the lunatic and the members of his immediate family, for whom provision is directed to be made, or to be expedient in a due course of management, that any mine or quarry, being in, upon, or under the land, should be opened and worked, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, make such lease of the mines, quarries, minerals, stones, and substances in, upon, or under the land, although not already opened or worked, and either with or without any land convenient to be held therewith, and with or without the surface, to such person, for such term or terms of years, and subject to such rents, royalties, reservations, covenants, and agreements, and in such manner and form, as the Lord Chancellor intrusted as aforesaid shall order.

Lord Chancellor, in matters of lunacy, enabled to empower

81. Where a lunatic is seised of or entitled to land in tail, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit, the committee of the estate may in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as afore-

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committees of estates to grant leases binding on issue or remaindermen. 18 & 19 Vict. c. 13. s. 1.

said, make any such leases of the land or any part thereof as in the last three preceding sections of this Act are mentioned, and every such lease shall be good and effectual in law against the lunatic and his heirs, and all persons claiming the lands entailed by force of any estate tail which shall be vested in such lunatic, and also against all persons, including the Queen's most Excellent Majesty, her heirs and successors, whose estates are to take effect after the determination of or in remainder or reversion expectant upon such estate tail, according to such estate as is comprised and specified in every such lease, in like manner as the same would have been good and effectual in law if the lunatic at the time of the making of such leases had been lawfully seised of the same lands comprised in such lease of a pure estate in fee simple to his own use, and had been of sound mind, and not the subject of a commission of lunacy, and had himself granted such lease; and every person to whom from time to time the reversion expectant upon the lease shall belong after the death of the lunatic shall and may have such and the like remedies and advantages, to all intents and purposes, against the lessee, his executors, administrators, and assigns, as the lunatic or his committee would or might have had against him or them.

Produce of newly-opened mines, where necessary for lunatic's maintenance, to be so applied; otherwise to be carried to separate account, and be considered real estate. 16 & 17 Vict. c. 70. s. 132.

82. Where the Lord Chancellor intrusted as aforesaid makes any such order as in and by the eightieth section is authorised to be made, by reason of its appearing to him to be necessary for the maintenance of the lunatic and such members of his immediate family as aforesaid, that the mine or quarry should be opened and worked, then the moneys arising thereby shall be applied in or towards such maintenance as aforesaid, in such manner as the Lord Chancellor intrusted as aforesaid shall direct; but in such case the surplus thereof, and in every other case all the moneys so arising, shall be carried to a separate account, and may be applied for or towards all or any of the purposes for which moneys are hereinbefore authorised to be raised by sale of the lunatic's estate, or in such other manner for the lunatic's benefit as the Lord Chancellor intrusted as aforesaid shall direct; and upon the lunatic's death the moneys remaining on the credit of such separate account shall, as between the representatives of his real and of his personal estate, be considered as real estate.

Committee may execute leasing powers of lunatic having

83. Where a lunatic has a limited estate only in land, and any power whatsoever of leasing the same is vested in him, the committee of his estate may and shall from time to time, in the name and on behalf of the lunatic, under order of the Lord Chancellor

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limited estate. 16 & 17 Vict. c. 70. s. 133. See 1 Will. 4. c. 65. s. 23.

intrusted as aforesaid, execute the power, to such extent and in such manner as the order shall direct; and all fines, premiums, and sums of money (if any) received for or upon the granting of any lease under this present provision shall be applied and disposed of in manner directed in section eighty-five of this Act, respecting the fines, premiums, and sums of money therein mentioned.

Committee may accept surrender, and make new lease. 16 & 17 Vict. c. 70. s. 134.

84. Where a lunatic is entitled or has a right to renew, and either it would be for his benefit to renew, or he might, in pursuance of any covenant or agreement, if not under disability, be compelled to renew, a lease made for life or lives, or for a term of years, either absolute or determinable on a death or otherwise, the committee of his estate may in his name, under an order of the Lord Chancellor intrusted as aforesaid, upon the application of the committee, or of any person entitled to the renewal, accept a surrender of the lease, and make and execute a new lease, of the premises comprised in the lease surrendered, for such number of lives, or for such term or terms of years determinable upon such number of lives, or for such term or terms of years absolute, as was or were mentioned or contained in the lease surrendered at the making thereof, or otherwise as the Lord Chancellor intrusted as aforesaid shall order, but so that no renewed lease be executed by virtue of this Act, in pursuance of any covenant or agreement, unless the fine (if any) or such other sum of money (if any) as ought to be paid on renewal, and such things (if any) as ought to be performed in pursuance of the covenant or agreement by the lessee or tenant, be first paid and performed, and a counterpart be duly executed by the lessee.

Fines, how to be paid. 16 & 17 Vict. c. 70. s. 135.

85. All fines, premiums, and sums of money received upon renewal shall, after deduction of all necessary incidental charges and expenses, be paid to the committee of the estate, and be applied for the lunatic's benefit as the Lord Chancellor intrusted as aforesaid shall order; but upon the lunatic's death all such moneys as have arisen by such fines, premiums, or sums of money, or so much thereof as then remains unapplied for his benefit, shall, as between the representatives of his real and of his personal estate, be considered as real estate, unless the lunatic be tenant for life only, and then the same shall be considered as personal estate.

On death of lunatic, quality of money arising by fines.

Committee may exercise power vested in lunatic for his own

86. Where a power is vested in a lunatic for his own benefit, or the consent of a lunatic is necessary to the exercise of a power, and such power of consent is in the nature of a beneficial interest in the lunatic, and it appears to the Lord Chancellor intrusted as

aforesaid to be for the lunatic's benefit, and also to be expedient, that the power should be exercised or the consent given (as the case may be), the committee of the estate may, in the name and on behalf of the lunatic, under an order of the Lord Chancellor intrusted as aforesaid, made upon the application of the committee of the estate, exercise the power or give the consent, as the case may be, in such manner as the order shall direct.

benefit or give consent. 16 & 17 Vict. c. 70. s. 136.

87. Where a power is vested in a lunatic in the character of trustee or guardian, or the consent of a lunatic to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the Lord Chancellor intrusted as aforesaid to be fit and expedient that the power should be exercised, or the consent given (as the case may be), the committee of the estate, in the name and on behalf of the lunatic, under an order of the Lord Chancellor intrusted as aforesaid, made upon the application of any person interested in the exercise of the power, may exercise the power, or give the consent, as the case may be, in such manner as the order shall direct.

Committee may exercise power vested in lunatic in character of trustee or guardian, &c. 16 & 17 Vict. c. 70. s. 87.

88. Where under this Act the committee of the estate, under order of the Lord Chancellor intrusted as aforesaid, exercises in the name and on behalf of the lunatic, a power of appointing new trustees vested in the lunatic, the person or persons who shall, after and in consequence of the exercise of the power, be the trustee or trustees, shall have all the same rights and powers as he or they would have had if the order had also been made by the Court of Chancery, under the Trustee Act, 1850, or any Act amending the same, or if he or they had been appointed by decree of that Court in a suit duly instituted; and the Lord Chancellor intrusted as aforesaid may in any such case, where it seems to him to be for the lunatic's benefit, and also expedient, make any and every such order respecting the land or stock or choses in action subject to the trust as might have been made in the same case under the provisions of the Trustee Act, 1850, or any Act amending the same, on the appointment thereunder of a new trustee or new trustees.

Appointment of new trustees under power to have effect of appointments by Court of Chancery, and like orders may be made as under Trustee Act, 1850. 16 & 17 Vict. c. 70. s. 138.

89. Every surrender, lease, agreement, deed, conveyance, mortgage, or other disposition granted, accepted, made, or executed by virtue of this Act shall be as valid and legal to all intents and purposes as if the person in whose name or place or on whose behalf the same was granted, accepted, made, or executed had been of sound mind, and had granted, accepted, made, or executed the same.

Deeds, &c. executed under this Act to be as valid as if lunatic had been of sound mind. 16 & 17 Vict. c. 70. s. 139.

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Stock belonging to lunatic may be ordered to be transferred. 16 & 17 Vict. c. 70. s. 140. See 1 Will. 4. c. 65. s. 33.

90. Where any stock is standing in the name of or is vested in a lunatic beneficially entitled thereto, or is standing in the name of or vested in a committee of the estate of a lunatic, in trust for the lunatic, or as part of his property, and the committee dies intestate, or himself becomes lunatic, or is out of the jurisdiction of or not amenable to the process of the Court of Chancery, or it is uncertain whether the committee be living or dead, or he neglects or refuses to transfer the stock, and to receive and pay over the dividends thereof, to a new committee, or as he directs, for the space of fourteen days next after a request in writing for that purpose made by a new committee, then the Lord Chancellor intrusted as aforesaid may order some fit person to transfer the stock to or into the name of a new committee, or into the name of the Accountant General of the Court of Chancery, or otherwise, and also to receive and pay over the dividends thereof, or such sum or sums of money and in such manner as the Lord Chancellor intrusted as aforesaid may order.

Stock in name of lunatic residing out of Ireland may be ordered to be transferred. 16 & 17 Vict. c. 70. s. 141. See 1 Will. 4. c. 65. s. 34.

91. Where any stock, or any portion of the capital stock, or any share of any company or society, whether transferable in books or otherwise, is standing in Ireland in the name of and beneficially vested in a person residing out of Ireland, the Lord Chancellor intrusted as aforesaid, upon proof to his satisfaction that the person has been declared idiot, lunatic, or of unsound mind, and that his personal estate has been vested in a curator or other person appointed for the management thereof, according to the laws of the place where he is residing, may order some fit person to make such transfer of the stock, or such portion of the capital stock or share as aforesaid, or any part or parts thereof respectively, to or into the name of the curator or other person appointed as aforesaid, or otherwise, and also to receive and pay over the dividends thereof, as the Lord Chancellor intrusted as aforesaid may think fit.

Who shall be appointed to make transfer. 16 & 17 Vict. c. 70. s. 142.

92. Where an order is made under this Act for the transfer of stock, the person to be named in the order for making the transfer shall be some proper officer of the company or society in whose books the transfer is to be made; and where the transfer is to be made in books kept by the Governor and Company of the Bank of Ireland, the officer to be named shall be the secretary, or deputy secretary, or accountant general, or deputy accountant general for the time being, of the said governor or company.

All deeds, transfers, payments, &c. made in pursuance of this Act to

93. Every conveyance, transfer, charge, or other disposition made or executed by virtue of this Act, and every payment made in pursuance of this Act, shall be valid to all intents, and binding upon all persons whomsoever; and this Act shall be a full indemnity and

discharge to the Governor and Company of the Bank of Ireland, their officers and servants, and all other persons respectively, for all acts and things done or permitted to be done in pursuance thereof, or of any order of the Lord Chancellor intrusted as aforesaid made or purporting to be made under this Act; and such acts and things respectively shall not be questioned or impeached in any court of law or equity to their detriment.

be valid and binding. Indemnity to the Bank of Ireland, &c. 25 & 26 Vict. c. 86. s. 17.

94. The Lord Chancellor intrusted as aforesaid may order the costs and expenses of and relating to the petitions, applications, orders, directions, conveyances, and transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the land or stock, or the rents or dividends in respect of which the same respectively shall be made, in such manner as he may think proper.

Costs may be paid out of estate. 16 & 17 Vict. c. 70. s. 145.

95. Nothing in this Act contained shall extend to subject any part of a lunatic's property to the debts or demands of his creditors, further or otherwise than as the same is now subject thereto by due course of law.

Act not to subject lunatic's property to debts. 16 & 17 Vict. c. 70. s. 146.

96. The powers and authorities given by this Act to the Lord Chancellor intrusted as aforesaid shall extend to all land and stock within any of the dominions, plantations, and colonies of Her Majesty (except England, Wales, and Scotland).

Powers to extend to colonies, &c. 16 & 17 Vict. c. 70. s. 147.

Traverse.

97. Any person desiring to traverse may, within the three months next after the day of the return of the inquisition, present a petition for that purpose to the Lord Chancellor intrusted as aforesaid, who is hereby required to hear and determine the petition, and shall, in his order upon it for a traverse, limit a time, not exceeding six months from the date of the order, within which the person desiring to traverse, and all other proper parties, are to proceed to trial of the traverse, and who may by the same or any other order direct that the person desiring to traverse, not being the person the object of the inquisition, shall, within the three weeks next after the date of the order, give sufficient security to and to the satisfaction of the master for all proper parties proceeding to trial within the time to be limited as aforesaid.

Petitions for traverse to be presented within a limited time. 16 & 17 Vict. c. 70. s. 148.

98. Every person having right to traverse who shall not within the time herein-before limited present his petition for that purpose, or who shall refuse or neglect to give such security as aforesaid, or who shall not proceed to trial within the time to be limited as aforesaid, and his heirs, executors, and administrators, and all others claiming by, through, or under him, shall be absolutely barred of

Persons not petitioning or not proceeding to trial within limited time barred. 16 & 17 Vict. c. 70. s. 149.

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his and their right of traverse, unless the Lord Chancellor intrusted as aforesaid shall, under the special circumstances of any particular case, think fit, upon petition for that purpose, to allow the traverse to be had or tried after the time by this Act limited, in all which special cases the Lord Chancellor intrusted as aforesaid may make such orders as to him shall seem just.

Lord Chancellor may direct new trials.
No person shall traverse oftener than once.
16 & 17 Vict. c. 70. s. 150.

99. If the Lord Chancellor intrusted as aforesaid be dissatisfied with the verdict returned upon a traverse, he may order one or more new trial or trials thereon, as to him shall seem meet, and as is usual in cases of issues directed by the Court of Chancery, but no person shall be admitted to traverse oftener than once.

Lord Chancellor may, notwithstanding traverse, make orders for management of person and estate.
16 & 17 Vict. c. 70. s. 151.

100. The Lord Chancellor intrusted as aforesaid, may from time to time, after the return of the inquisition, or the issue directed pursuant to the power contained in the sixteenth section of this Act, and notwithstanding a petition or order depending relative to a traverse or new trial, make such orders and do such acts relative to the custody and commitment of the person, and the commitment, management, and application of the estates and effects of the person, the object of the inquisition, as he shall think necessary or proper (inclusive of the imposition and levying of fees and per-centage as herein-before provided); and all things done by any person appointed committee of the person or estate, or by any other person, shall be as valid and effectual, and all committees and other persons respectively, and their respective heirs, executors, and administrators, are hereby indemnified in respect of all such things as aforesaid from and against all actions, suits, and proceedings, damages, costs, charges, and expenses, to be brought, commenced, had, or recovered by the person the object of the inquisition, his heirs, executors, or administrators, or any other person whomsoever, as fully and effectually as if the inquisition had not been traversable, but no further or otherwise.

No traverse of an inquisition made by one of the judges of the superior courts and by a jury to be granted, but new trial may be ordered by the Lord Chancellor.
25 & 26 Vict. c. 86. portion of s. 7.

101. No person shall be entitled to a traverse of any inquisition made pursuant to the power contained in the sixteenth section of this Act, under any such order as aforesaid had upon the oath of a jury; but it shall be lawful for the Lord Chancellor intrusted as aforesaid, if he shall think fit, upon a petition being presented to him within three months next after the trial of any such issue, to order that a new trial shall be had of such issue or a new inquiry made as to the insanity of such person, subject to such directions and upon such conditions as to the Lord Chancellor intrusted as aforesaid may seem proper.

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Commission may be superseded on conditions. 25 & 26 Vict. c. 86. part of s. 10.

102. If it shall appear to the Lord Chancellor that it is not expedient or for the benefit of the lunatic that the Commission should be unconditionally superseded, but that same should be superseded on terms and conditions, he may, upon the consent of the lunatic and such other persons, if any, whose consent he may deem necessary, order the Commission to be superseded upon such terms and conditions as he shall think proper.

Power to appoint a guardian of person of weak mind.

103. When it is established to the satisfaction of the Lord Chancellor aforesaid that any person is of weak mind and temporarily incapable of managing his affairs, and two certificates to that effect shall have been given, each of which shall be signed by a doctor, surgeon, or apothecary, the Lord Chancellor intrusted as aforesaid may, in a summary way, and without directing any inquiry under a commission of lunacy, by an order to be made in the matter of such person of weak mind, appoint a guardian of the person and property or of the property of such person of weak mind, and shall, in and by such order, specify the nature and extent of the powers to be exercised by such guardian in respect of the person and property of such person of weak mind, and may generally make such order as he may consider expedient for the purpose of rendering the property of such person or the income thereof available for the maintenance or benefit, or for carrying on the trade or business, or for the support, maintenance, or education of the family of such person of weak mind, and to provide for the costs incident to such petition and the proceedings to be had thereon, provided that the alleged person of weak mind shall have such personal notice of the application for such order as aforesaid, and every application for any such order shall be supported by such evidence as the Lord Chancellor intrusted as aforesaid shall, by any general order to be made as herein-after mentioned, direct.

No order to have validity for more than six months.

104. No order, when made under the preceding section, shall be of any force and validity beyond the period of six calendar months from the date thereof, nor shall any such order be by the Lord Chancellor intrusted as aforesaid renewed more than once, and every such order shall contain a direction to the medical visitor to visit such person of weak mind, as being an alleged lunatic, at such times and such manner as to the Lord Chancellor intrusted as aforesaid may seem fit and necessary, and the report of the medical visitor to be made pursuant to such direction shall be filed, and may be proceeded upon according to the provisions to that effect herein-before contained.

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Guardian to file monthly accounts.

105. Every guardian to be appointed under the two preceding sections by the Lord Chancellor intrusted as aforesaid shall file in the office of the registrar a monthly account and report of all the moneys, rents, dividends, and other property of the person of weak mind by him received or expended, and how the same was applied, and of every act, deed, and thing done by him as such guardian in relation to the person or property of such person, and every such guardian may be compelled to account and to pay the balance to be found due by him in any such account in the same manner as if he had been appointed to be a receiver, regularly appointed in a matter of lunacy by the Lord Chancellor intrusted as aforesaid; provided always, that all such accounts shall be taken and vouched by and before the registrar, unless the Lord Chancellor intrusted as aforesaid shall by any order specially direct that any such account shall be taken and vouched by or before the master.

Hearing of petition for guardian to be in camerâ.

106. The hearing of any petition presented under the one hundred and third section of this Act, and every proceeding to be subsequently had in any such matter, whether before the Lord Chancellor, intrusted as aforesaid, or the master, shall be heard and disposed of privately in camerâ.

Conveyances, transfers, &c. executed by guardian to be valid.

107. Every conveyance, transfer, charge, or other disposition, made or executed by any guardian of a person of weak mind in pursuance of any order to be made by the Lord Chancellor, intrusted as aforesaid, under and by virtue of the powers contained in the one hundred and third section of this Act, shall be valid to all intents, and binding upon all persons whatsoever; and this Act shall be full indemnity and discharge to the Governor and Company of the Bank of Ireland, their officers and servants, and all other officers respectively, for all acts and things done or permitted to be done in pursuance of any order of the Lord Chancellor, intrusted as aforesaid, made or purporting to be made under the said one hundred and third section of this Act; and such acts and things, respectively, shall not be questioned or impeached in any court of law or equity, to their detriment.

Appointment of future registrars.

108. After the death, dismissal, resignation, or retirement from office of the present registrar, or any future registrar, the Lord Chancellor, intrusted as aforesaid, may by writing under his hand appoint a fit and proper person to fulfil the office and to be the registrar, and such person when, as aforesaid, appointed to be registrar, shall hold his office during good behaviour, and may be removed therefrom by the Lord Chancellor in case of misconduct or neglect in the discharge of his duties, or being disabled from performing the same.

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Annual per-centage to be charged on estates of lunatics. 16 & 17 Vict. c. 70. s. 26.

109. And whereas it would greatly facilitate and simplify the practice in lunacy and would be attended with convenience that the charges incident to the lunacy office and the administration of the estates of lunatic should be defrayed, except as herein-after mentioned, by means of a per-centage graduated in an equitable manner as between richer and poorer estates in part: Be it enacted as follows:—

A per-centage on the respective clear annual incomes of all lunatics shall be paid according to the several rates following that is to say,—

1. The rate of two pounds ten shillings per centum for each annual income amounting to one hundred pounds and not amounting to five hundred pounds, but so that no larger sum be payable in any such case in any one year than ten pounds:
2. The rate of three pounds per centum for each annual income amounting to five hundred pounds and not amounting to one thousand pounds, but so that no larger sum be payable in such case in any one year than twenty pounds:
3. The rate of four pounds per centum for each annual income amounting to one thousand pounds or upwards, but so that no larger sum be payable in such case in any one year than one hundred and fifty pounds:

And in every case the fractional parts less than one moiety of the pound sterling shall be disregarded in the calculation of the amount of the per-centage and shall not be levied or paid.

Master to certify the amount of the clear annual income of each lunatic. 16 & 17 Vict. c. 70. s. 27.

110. The master shall from time to time certify in each case what is the amount of each such clear annual income as aforesaid, and of the per-centage payable thereon, and such certificate shall thereupon be filed in the office of the registrar, and the registrar shall thereupon cause an office copy of such order to be deposited in the office of the Accountant General of the Court of Chancery, and the Accountant General of the Court of Chancery shall thereupon and without further order transfer, or cause to be transferred in the books of the Governor and Company of the Bank of Ireland, such sum or amount of the cash or stock then or next after standing, or to stand, in the books of the Governor and Company of the Bank of Ireland to the credit of the Accountant General of the Court of Chancery and the separate credit of the matter of the lunatic, as shall be equal to the amount of the per-centage specified in the certificate of the master aforesaid from such credit as aforesaid to the credit of the said Accountant General of the Court of Chancery and the separate credit of the lunacy fund.

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Per-centage to be paid notwithstanding death, &c. before payment. 16 & 17 Vict. c. 70. s. 28.

111. The per-centage aforesaid, or a proper proportionate part thereof (as the case may require), shall be chargeable and charged upon the estate of a lunatic, and be payable thereout, although before payment thereof he die, or the inquisition in his case be superseded, or be vacated and discharged on a traverse; but in either of the two cases last aforesaid the Lord Chancellor intrusted as aforesaid may, if he see fit, remit or reduce the amount of the sum to be paid; and the payment of the amount in every case shall be enforced in such manner and under such regulations as the Lord Chancellor, being intrusted as aforesaid, shall from time to time direct.

Power to Lord Chancellor to alter per-centage and fees. 16 & 17 Vict. c. 70. s. 30.

112. The Lord Chancellor may, by order, from time to time reduce the several rates of per-centage aforesaid or any of them, and again, if it shall seem to him expedient, from time to time raise the same several rates or any of them, but not to rates higher than those respectively herein-before prescribed, and also may, by order, from to time vary or abolish the fees now received in the lunacy office, or any of them, or other the fees for the time being payable in relation to proceedings in lunacy, or any of them, and, if and when it shall seem to him necessary or expedient, fix and impose other fees, or fees of altered amount, and make such orders, rules, and regulations relative to the mode of levying, receiving, and accounting for and generally in respect of such per-centage and fees as to him at any time or from time to time may seem fit; provided always, that the fees receivable in the lunacy office shall not nor shall any of them be increased beyond their present scale.

Power to exempt small properties. 16 & 17 Vict. c. 7. s. 32.

113. Where it is made to appear to the Lord Chancellor intrusted as aforesaid that the net amount or net estimated value of the property of a lunatic does not exceed the sum of seven hundred pounds sterling in respect of the corpus thereof, or the sum of fifty pounds sterling per annum in respect of the income thereof, he may order (if he shall think fit) that no fee shall be taken or paid, or per-centage be levied or paid, in relation to the proceedings in the matter or the property, as from the date of the order or such other time as he shall direct, during the continuance of the lunacy or until further order.

Provisions respecting per-centage and fees to apply to cases under 8 & 9 Vict. c. 100. and

114. All the foregoing provisions respecting fees and per-centage shall be applicable to the proceedings in the matter of and to the property of a lunatic under the protection of the Lord Chancellor intrusted as aforesaid, by virtue of proceedings taken under the provisions of this Act relative to the protection of persons of

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weak mind, and also to the proceedings in the matter of and to the property of a lunatic under the protection of the Lord Chancellor intrusted as aforesaid by virtue of the transmission of the record of an inquisition from England, and its entry of record in the Chancery of Ireland, and also to the proceedings in the matter of and to the property of a person residing out of Ireland, and declared idiot, lunatic, or of unsound mind, according to the laws of the place where he is residing, where the Lord Chancellor intrusted as aforesaid makes an order affecting the stock or any portion of the capital stock or shares of such person as last aforesaid or dividends thereof; and the aforesaid provisions shall be applied to the several classes of cases mentioned in this present section in such manner and under such regulations as the Lord Chancellor shall from time to time order, but so that no per-centage be levied or paid in either of the two last-mentioned cases, except in respect of income arising from property being within the jurisdiction of the Lord Chancellor intrusted as aforesaid, and being administered by him or under his authority and direction.

to certain cases where lunatic is out of jurisdiction. 16 & 17 Vict. c. 70. s. 33.

115. The Lord Chancellor intrusted as aforesaid may, by any general order, declare that an annuity or annuities of such amount, upon such terms and subject to such conditions as are therein specified, shall be paid to the registrar and the clerks and officers employed or to be employed in the lunacy office, and also that such compensation for services rendered, and costs and expenses of any such proceedings to be instituted pursuant to the provisions of this Act as shall be therein specified, and upon the terms and subject to the conditions therein mentioned, shall be paid to the medical visitors, and the legal visitors, and the solicitor for minors and lunatics, and shall and may by any special order, if he shall so think fit, order, but subject to such conditions as to him shall seem fit, to be paid to any registrar, officer, or clerk who shall have served for twenty years in the office of lunacy, and who shall be above sixty years of age and shall be desirous of retiring, or who shall be disqualified by permanent infirmity from the performance of his duties, such superannuation allowance, not exceeding two thirds of the annuity or salary payable to such registrar, officer, or clerk at the time of his resignation, as the Lord Chancellor intrusted as aforesaid may approve: Provided always, that the clerks and officials of the lunacy office, and each of them, until and unless the Lord Chancellor intrusted as aforesaid declare that an annuity or annuities shall be paid to them or him, shall have, enjoy, and receive the fees, emoluments, and profits previous to the passing of this Act enjoyed

Lord Chancellor may direct annuities to be paid to registrars, &c.

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and received by them or him; and provided also, that until and unless the Lord Chancellor intrusted as aforesaid shall declare that an annuity shall be paid to him, the registrar shall have, receive, take, and enjoy all the fees, profits, payments, and emoluments now received, taken, and enjoyed by the clerk of the custodies of lunatics and idiots.

Annuities and salaries to be in lieu of fees.

116. All annuities and salaries ordered to be paid in pursuance of the preceding section of this Act shall be payable out of the lunacy fund mentioned in the one hundred and tenth section of this Act, and at the times and in the manner to be specified in any general or special order directing the payment: Provided always, that every such annuity or salary payable by virtue of any general or special order to be made in virtue of the last preceding section shall be paid to and received by the person to whom the same shall be payable in substitution for and in lieu of such fees (if any) which he at the date of such order was in virtue of his office entitled to receive, and thenceforward, from the date of such general or special order, the fees which the person to whom such annuity or salary as aforesaid shall have been granted would have been entitled to receive shall by him from time to time, and at such time and manner as in the order granting him such salary shall direct, be paid in by him into the bank of the Governor and Company of the Bank of Ireland, to the credit of the Accountant General of the Court of Chancery and the separate credit of the lunacy fund.

Lord Chancellor may direct office expenses, &c. to be paid out of the fees.

117. Notwithstanding anything herein-before contained, the Lord Chancellor intrusted as aforesaid may, by any general or special order, direct that any expenses incident to the lunacy office other than any annuity or salary to be granted pursuant to the powers in the two last preceding sections of this Act contained, be paid out of the fees of the lunacy office, and also that any remuneration for services to be rendered by the medical visitors or legal visitors, the solicitor for minors and lunatics, in connexion with any lunatic, or any expenditure connected with the management of the estate of any lunatic, shall be paid out and borne by the estate of such lunatic.

General Orders.

Power to Lord Chancellor to make general orders. 16 & 17 Vict. c. 7. s. 153.

118. The Lord Chancellor may from time to time make such orders as to him shall seem meet for carrying into effect the purposes of this Act, and for regulating the form and mode of proceeding before and by the masters and the practice in matters in lunacy, and for regulating the duties of the several officers in lunacy, and, so far as to him may seem expedient, for altering the course of pro-

A.D. 1871.

ceeding herein-before prescribed in respect of the matters to which this Act relates, or any of them; and any such order as aforesaid may be from time to time rescinded or varied by the like authority; and every such order as aforesaid, which shall alter the course of proceeding herein-before prescribed in respect of the matters to which this Act relates, or any of them, shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then assembled, and if not then within fourteen days after the meeting of Parliament then next following; and if either House of Parliament shall, by resolution, passed within thirty-six days next after any such order as aforesaid has been laid before it, resolve that the whole or any part thereof ought not to continue in force, in that case the whole order or the part of the order specified in the resolution (as the case may be) shall from and after the passing of the resolution cease to be binding.

The several Acts of Parliament mentioned in the first schedule hereto shall be, and the same are hereby repealed to the extent specified concerning the same Acts respectively in the third column of the said schedule, but so that the validity of any proceeding taken or pending under the said Acts, or any of them, before or at the commencement of this Act, shall not be taken away, diminished, or injuriously affected.

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SCHEDULE I.

Names of Acts.	Title of Act.	Sections repealed.
15 Ch. 1. c. 53. -	An Act touching the finding of officers before escheators, &c.	Section 3, so far as the same relates to lunatics and idiots.
6 Geo. 4. c. 53. -	An Act for limiting the time within which inquisition of lunacy, idiocy, and non compos mentis may be traversed, and for making regulations in the proceeding pending a traverse.	The whole Act.
1 W. 4. c. 65. -	An Act for consolidating and amending the laws relating to property belonging to infants, femes covert, idiots, lunatics, and persons of unsound mind.	So much of the Act as relates to or affects idiots, lunatics, or persons of unsound mind, or their property, except so far as relates to Ireland, but excluding section 41.
5 & 6 W. 4. c. 17.	An Act to extend to Ireland the provisions of an Act passed in the first year of His present Majesty's reign, intituled "An Act " for consolidating and amending " the laws relating to property " belonging to infants, femes " covert, idiots, lunatics, and " persons of unsound mind."	
15 & 16 Vict. c. 48.	An Act for the amendment of the law respecting the property of lunatics.	Sections 1, 2, 3.

SCHEDULE II.

SHORT FORM OF AFFIDAVIT.

In the Matter of *A.B.*, a Person of unsound Mind.

I, *C.D.*, the petitioner named in the above-written [*or* annexed, *as the case may be*] petition [*or* the person bringing in the above-written (*or* annexed) state of facts, *&c.*] make oath and say, that so much of the above-written petition, *&c.* [*as before*] as relates to my own acts and deeds is true, and so much thereof as relates to the acts and deeds of any and every other person I believe to be true.

Sworn, *&c.*

A

B I L L

INTITULED

An Act to amend the Law in Ireland relating to Commissions of Lunacy, and the proceeding under the same, and the management of the Estates of Lunatics; and to provide for the visiting and the protection of the Property of Lunatics in Ireland; and for other purposes.

(*Brought from the Lords* 3 *April* 1871.)

Ordered, by The House of Commons, *to be Printed*, 4 *April* 1871.

[Bill 102.]

Under 7 oz.

333

A

B I L L

TO

Amend the law relating to dangerous Lunatics and dangerous Idiots in Ireland, and to make more effectual provision for the superannuation of the officers of District Lunatic Asylums in Ireland. A.D. 1871.

WHEREAS it is expedient to amend an Act passed in the thirtieth and thirty-first years of the reign of Her present Majesty, intituled "An Act to provide for the appointment of the "officers and servants of District Lunatic Asylums in Ireland, "and to alter and amend the law relating to the custody of "dangerous Lunatics and dangerous Idiots in Ireland," in manner herein-after provided:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Justices may order remuneration to medical officer for examination of persons suspected of being dangerous lunatics.

1. It shall be lawful for any two justices causing any person to be examined by a medical officer under the provisions of the said recited Act of the thirtieth and thirty-first Victoria to call to their assistance the medical officer of the dispensary district as provided for under the said recited Act, or any other legally qualified medical practitioner, and to make an order under their hands and seals upon the governors of the lunatic asylum established either wholly or in part for the county, county of a city, or county of a town in which such person shall have been apprehended, for the payment to such medical officer or other legally qualified medical practitioner called to their assistance of such reasonable remuneration for the examination of any such person, and for the payment of all other reasonable expenses in or about the examination of any such person, as may have been incurred by such medical officer, not exceeding in the whole the sum of *two pounds two shillings*,

A.D. 1871.

and such justices may make such order for payment, whether such person so examined shall or shall not be certified by such medical officer to be a dangerous lunatic or a dangerous idiot, as the case may be.

Superannuation allowances may be granted to officers of district lunatic asylums.

2. It shall be lawful for the governors of any district lunatic asylum in Ireland, with the approval of the inspectors of lunatics, or one of them, to direct that any officer who has served for above twenty years at the least, and who is incapable from age, infirmity of mind or body, or otherwise, of discharging the duties of his office, shall be superannuated, and shall receive such yearly superannuation pension as upon consideration of all the circumstances of each case shall appear just, not exceeding such proportion of his salary and allowances as herein-after mentioned; (that is to say,) for above twenty years service, a pension not exceeding two-thirds of his salary.

How expenses to be paid.

3. The several moneys to be paid or to become payable under this Act shall respectively be advanced, paid, presented for, and raised in like manner as any other moneys advanced or raised for supporting and maintaining such asylums.

A

BILL

To amend the law relating to dangerous Lunatics and dangerous Idiots in Ireland, and to make more effectual provision for the superannuation of the officers of District Lunatic Asylums in Ireland.

(*Prepared and brought in by Sir Dominic Corrigan, Mr. M'Clure, and Mr. Plunket.*)

Ordered, by The House of Commons, *to be Printed,* 3 *July* 1871.

[Bill 222.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to criminal and dangerous Lunatics in Scotland. A.D. 1871.

WHEREAS it is expedient to amend the law relating to criminal and dangerous lunatics in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Criminal and "Dangerous Lunatics (Scotland) Amendment Act, 1871."

Disposal of persons on indictment placed at Her Majesty's order. 20 & 21 Vict. c. 71. ss. 87 and 88.

2. When in terms of an Act of the twentieth and twenty-first years of the reign of Queen Victoria, entitled "An Act for the "regulation of the care and treatment of Lunatics, and for the "provision, maintenance, and regulation of Lunatic Asylums in "Scotland," any person having been charged under indictment or criminal letters shall be ordered by the court to be kept in strict custody until Her Majesty's pleasure shall be known, any order which Her Majesty shall be pleased to issue in relation to the custody of such person may be renewed and varied from time to time, and it shall not be necessary in such order to specify any building in which the person to whom it applies shall be detained; and such order may direct that the person to whom it applies shall be put in charge of any such person as may be therein named, subject to such conditions as may be set forth in such order: Provided, that in any case where the court has found that the person cannot be put on trial by reason of insanity, such person may be liberated or discharged on a direction to that effect under the hand of the Lord Advocate.

Provision as to persons detained by

3. When by judgment anterior to the time when the said Act of the twentieth and twenty-first years of Queen Victoria came in

A.D. 1871.

judgment anterior to recited Act.

force any person charged on indictment or criminal letters has by reason of lunacy been detained until further order of court, or has been disposed of otherwise than by being placed at Her Majesty's disposal, the provisions of this Act, and all other statutory provisions authorising Her Majesty to dispose of persons who by reason of lunacy have been ordered to be detained until Her Majesty's pleasure shall be known, shall apply to persons who have been so detained or otherwise disposed of by such judgment.

Relief of lunatic department in general prison from overcrowding.

4. When in relation to any insane prisoner in the General Prison at Perth it is certified, on soul and conscience, by two medical persons that they have personally visited and carefully examined such prisoner, and that in their opinion he is insane but that his insanity is of a kind which can be properly treated in a lunatic asylum, it shall be lawful for one of Her Majesty's Principal Secretaries of State, by a writing under his hand, to order that such prisoner be removed to any district asylum, or to any chartered asylum in which pauper lunatics are maintained in terms of any contract for such maintenance; and the managers or other administrators of the asylum named in the order shall, unless it be certified by Her Majesty's Commissioners in Lunacy that there is not sufficient accommodation at their disposal, be bound to provide for the reception of the prisoner named therein, and for his detention and maintenance, so long as he may be legally detained in such asylum; and if such prisoner be under a sentence which has not expired, the amount to be paid for his detention and maintenance until the expiry of his sentence shall be fixed by Her Majesty's Commissioners in Lunacy, and the same, when so fixed, may be charged in the accounts for the maintenance of the General Prison at Perth.

Removals to and from general prison.

5. Any insane prisoner who has been removed from the general prison shall be conveyed back thereto on any order to that effect being issued under the hand of one of Her Majesty's Principal Secretaries of State, and all orders for removal, whether from or to the general prison in terms of this Act, shall be directed to the governor of the general prison, who shall be responsible for the execution of the same.

Disposal of persons becoming insane in local prisons.

6. When in relation to any person confined in a local prison in terms of the "Prisons (Scotland) Administration Act," it is certified, on soul and conscience, by two medical persons that they have personally visited and carefully examined such prisoner, and that in their opinion he is insane, it shall be lawful for the sheriff, on summary application at the instance of the administrators of such

prison, by a warrant under his hand, to order such prisoner to be removed to a lunatic asylum; and if the asylum named in such order be a district asylum, or a chartered asylum in which pauper lunatics are maintained in terms of any contract for such maintenance, the managers or other administrators thereof shall, unless it be certified by Her Majesty's Commissioners in Lunacy that there is not sufficient accommodation at their disposal, be bound to provide for the reception of such prisoner, and for his detention and maintenance for the period during which he would have been liable to detention in such prison had he not been so removed; and the amount to be paid for the removal of such prisoner to an asylum, and for detention therein, shall be charged against the assessment for current expenses under the administration of the Prison Board of the county in which the offence wherewith such prisoner is charged was committed, and in case of dispute the amount of such payment shall be fixed by Her Majesty's Commissioners in Lunacy.

Persons in custody may be reconveyed to prisons from which they have been removed.

7. The sheriff of the county in which the prison from which any person has been so removed is situate may, by a warrant under his hand, order such person to be reconveyed to the prison from which he was so removed; and any warrant under the hand of a sheriff in terms of this Act shall be valid, and may be put in force either within the county of such sheriff's jurisdiction or elsewhere in Scotland; and, for the purposes of this Act, the term "sheriff" shall include "sheriff substitute."

Removal of doubts as to application to paupers of provisions for dangerous lunatics. 25 & 26 Vict. c. 54. ss. 15 and 16.

8. For the removal of certain doubts in an Act of the twenty-fifth and twenty-sixth years of the reign of Queen Victoria, entitled "An Act to make further provision respecting Lunatics in Scotland," the provisions therein concerning lunatics charged with assault or other offence inferring danger to the lieges, or found in a state threatening danger to the lieges, or in a state offensive to public decency, shall not be limited to pauper lunatics, but shall apply to any person so charged or found, although he may not, by receiving parochial relief, or in any other form, come within the definition of a pauper.

Lunatics (Scotland).

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BILL

To amend the Law relating to criminal and dangerous Lunatics in Scotland.

(*Prepared and brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Adam.*)

Ordered, by The House of Commons, *to be Printed,* 27 *April* 1871.

[Bill 117.]

Under 1 *oz.*

Marriage Law (Ireland) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Construction of Act.
3. Court may direct issues to try any fact.
4. Appeal against decree or order of ecclesiastical court or judge.
5. Enforcement of orders and decrees.
6. Powers of the court to compel witnesses to attend, &c.
7. Judge to have authority and control over proctors, &c.
8. Rules of evidence in common law courts to be observed.
9. Practice of the court.
10. Court may make rules and regulations for procedure in formâ pauperis.
11. Power to appoint commissioners to administer oaths.
12. Registrars, &c. to have power to administer oaths.
13. Commissioners may be appointed in the Isle of Man, &c.
14. Power to make affirmations or declarations.
15. Penalty on forging or counterfeiting seals, &c. of officers.
16. Affidavits before whom to be sworn when parties making them reside in foreign parts.
17. Affidavits before whom to be sworn.
18. Persons forging seal or signature guilty of felony.
19. Perjury.
20. Power to Chief or Under Secretary to order all letters patent, records, &c. to be transmitted from all ecclesiastical courts.
21. Amendment of Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870.
22. Registration of marriages by special license.
23. Particulars of certificates to be entered in register books. Correction of erroneous entries.
24. Marriages by special license valid.

A

B I L L

TO

Amend The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870. A.D. 1871.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1871," and the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, and this Act may be cited together for all purposes as "The Matrimonial Causes and Marriage Law(Ireland) Amendment Acts, 1870 and 1871."

Construction of Act.

2. This Act and the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, so far as the same is not inconsistent with this Act, shall be construed together as one Act.

Court may direct issues to try any fact.

3. Where the Court for Matrimonial Causes and Matters directs an issue, it shall be lawful for the said Court to direct such issue to be tried in any court of common law, and either before a judge of assize in any county, or at the sittings for the trial of causes in Dublin, and either by a special or common jury, in like manner as is now done by the Court of Probate.

Appeal against decree or order of ecclesiastical court or judge.

4. Any person considering himself aggrieved by any decree or order of any ecclesiastical court of competent jurisdiction made before the *first day of January one thousand eight hundred and seventy-one*, in any cause or matter matrimonial, or within six weeks after the said first day of January by any judge of any such court as aforesaid, under the provisions of the fifth section of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, may appeal therefrom to the Court of Appeal in Chancery, and thence to the House of Lords, as if the same were a decree or order of the Court for Matrimonial Causes and Matters.

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Enforcement of orders and decrees.

5. All decrees and orders made by the Court for Matrimonial Causes and Matters, in any suit, proceeding, or petition under the authority of The Matrimonial Causes and Marriage Law (Ireland) Amendment Acts, 1870 and 1871, shall be enforced and put in execution in the same or the like manner as the judgments, orders, and decrees of the High Court of Chancery may be now enforced and put in execution.

Powers of the court to compel witnesses to attend, &c.

6. The Court for Matrimonial Causes and Matters shall have the like powers, jurisdiction, and authority for enforcing the attendance of persons required by it, and for punishing persons failing, neglecting, or refusing to produce deeds, evidences, or writings, or refusing to appear or to be sworn, or make affirmation or declaration, or to give evidence, or guilty of contempt, and generally for enforcing all orders, decrees, and judgments made or given by the court, and otherwise in relation to the matters to be inquired into and done by or under the orders of the court, as are by law vested in the Court of Chancery for such purposes in relation to any suit or matter depending in such court.

Judge to have authority and control over proctors, &c.

7. The Judge of the Court for Matrimonial Causes and Matters shall have and may exercise over proctors, solicitors, and attorneys practising in the said court the like authority and control as is now exercised by the judges of any court of equity or of common law over persons practising therein as proctors, solicitors, or attorneys.

Rules of evidence in common law courts to be observed.

8. The rules of evidence observed in the superior courts of common law shall be applicable to and observed in the trial of all questions of fact in the Court for Matrimonial Causes and Matters.

Practice of the court.

9. The practice of the Court for Matrimonial Causes and Matters shall, except where otherwise provided by the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, and this Act, or by the rules or regulations to be from time to time made under the said Act and this Act, be, so far as the circumstances of the case will admit, according to the present practice of the Court of Probate.

Court may make rules and regulations for procedure in formâ pauperis.

10. The judge of the Court for Matrimonial Causes may, with the approval of the Lord Chancellor and Lords Justice of Appeal in Chancery, make, and, when made, may add to, rescind, amend, or alter, such rules and regulations as he may deem necessary and expedient for enabling persons to sue in the said court in formâ pauperis.

Any rules and regulations, and every addition, alteration, or amendment to, in, or of the same, made in pursuance of this

section, shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act.

Power to appoint commissioners to administer oaths.

11. The judge of the Court for Matrimonial Causes and Matters may, under the seal of the said court, from time to time appoint persons to administer oaths, and to take declarations or affirmations, and perform such other duties with reference to matrimonial causes and matters, as may be assigned to them from time to time by rules and regulations to be made by the judge of the said court, in pursuance of the provisions of the Matrimonial Causes and Marriage Law (Ireland) Amendment Acts, 1870 and 1871, and the persons so appointed shall be styled "Commissioners of Her Majesty's Court for Matrimonial Causes and Matters."

Registrars, &c. to have power to administer oaths.

12. The registrars and officers of the Court for Matrimonial Causes and Matters, and the commissioners for taking oaths in the High Court of Chancery, and all persons now or hereafter authorised to administer oaths under The Probates and Letters of Administration Act (Ireland), 1857, and The Court of Probate Act (Ireland), 1859, shall respectively have full power to administer oaths, and to take declarations or affirmations in proceedings of the said Court for Matrimonial Causes and Matters.

Commissioners may be appointed in the Isle of Man, &c.

13. It shall be lawful for the judge of the Court for Matrimonial Causes and Matters to appoint, by commission under the seal of the said court, any persons practising as solicitors in the Isle of Man, in the Channel Islands, or any of them, and also such persons resident in England, Wales, and Scotland as he shall think fit, to administer oaths, and to take declarations or affirmations, and to exercise any other powers which can be exercised by commissioners of the said court, and such persons shall be entitled from time to time to charge and take such fees as any other persons performing the same duties in the said court may charge and take.

Power to make affirmations or declarations.

14. Any party required to be examined, or any person required or desiring to make an affidavit or deposition, under or for the purposes of the Matrimonial Causes and Marriage Law (Ireland) Amendment Acts, 1870 and 1871, shall be permitted to make his solemn affirmation or declaration, instead of being sworn, under the circumstances and in the manner under and in which a person called as a witness so desiring to make an affidavit or deposition in any of the superior courts would now be permitted to do so.

Penalty on forging or counterfeiting seals, &c. of officers.

15. If any person forge the signature of any commissioner of the Court for Matrimonial Causes and Matters, or of any registrar or officer of the said court, or of any commissioner of the High Court

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of Chancery, or of any person acting under the authority of this Act, or forge or counterfeit any seal of the said Court for Matrimonial Causes and Matters, or knowingly use or concur in using any such forged or counterfeit signature or seal, or tender in evidence any document with a false or counterfeit signature of such commissioner, registrar, or other officer of the said court, or of any such commissioner of the High Court of Chancery, or such other person, or use a false or counterfeit seal, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall upon conviction be liable to penal servitude for the term of his life, or any term not less than *seven years*, or to imprisonment for any term not exceeding *three years*, with or without hard labour.

Affidavits, before whom to be sworn when parties making them reside in foreign parts.

16. In cases where it is necessary to obtain affidavits, declarations, or affirmations to be used in the Court for Matrimonial Causes and Matters from persons residing in foreign parts or out of Her Majesty's dominions, the same may be sworn, declared, or affirmed before the persons empowered to administer oaths under the Act of the sixth of George the Fourth, chapter eighty-seven, or under the Act of the eighteenth and nineteenth of Victoria, chapter forty-two; provided that in places where there are no such persons as are mentioned in the said Acts such affidavits, declarations, or affirmations may be made, declared, and affirmed before any foreign local magistrate or other person having authority to administer an oath.

Affidavits before whom to be sworn.

17. Affidavits, declarations, and affirmations to be used in the Court for Matrimonial Causes and Matters may be sworn and taken in the Isle of Man, the Channel Islands, or any colony, island, plantation, or place out of the United Kingdom of Great Britain and Ireland under the dominion of Her Majesty, before any court, judge, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or, so far as relates to the Isle of Man and the Channel Islands, before any commissary, ecclesiastical judge, or surrogate who at the time of the passing of this Act is authorised to administer oaths in the Isle of Man or in the Channel Islands respectively; and all registrars and other officers of the Court for Matrimonial Causes and Matters shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, or person, which shall be attached, suspended, or subscribed to any such affidavit, declaration, or affirmation, or to any other document.

Persons forging seal or signature

18. If any person shall forge any such seal or signature as last aforesaid, or any seal or signature impressed, affixed, or subscribed

under the provisions of the said Act of the sixth of George the Fourth, or of the said Act of the eighteenth and nineteenth of Victoria, to any affidavit, declaration, or affirmation to be used in the Court for Matrimonial Causes and Matters, or shall tender in evidence any such document as aforesaid with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to penal servitude for the term of his life, or for any term not less than *seven years*, or to be imprisoned, with or without hard labour, for any term not exceeding *three years* nor less than *one year;* and whenever any such document has been admitted in evidence by virtue of this Act, the court or the person who has admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person, for such period and subject to such conditions as to the said court or person shall seem meet; and every person charged with committing any felony under this Act may be dealt with, indicted, tried, and if convicted sentenced, and his offence may be laid and charged to have been committed, in the county, district, or place in which he may be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and if convicted sentenced, and his offence laid and charged to have been committed, in any county, district, or place in which the principal offender may be tried.

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guilty of felony.

19. Any person who shall wilfully give false evidence, or who shall wilfully swear, affirm, or declare falsely in any affidavit or deposition before any commissioner of the Court for Matrimonial Causes and Matters, or before any registrar or officer of the said court, or any commissioner of the High Court of Chancery, or any other person acting under the authority of this Act, or before any commissary, ecclesiastical judge, or surrogate who, at the time of the passing of this Act, is authorized to administer oaths in the Isle of Man, or in any of the Channel Islands, or before any person authorized to administer oaths under this Act, shall be liable to the penalties of wilful and corrupt perjury.

Perjury.

20. The Chief or Under Secretary to the Lord Lieutenant of Ireland may order every person who before the first day of January one thousand eight hundred and seventy-one was judge, registrar, or other officer of any ecclesiastical court in Ireland, or any other person having the custody or possession of or control over any

Power to Chief or Under Secretary to order all letters patent,

A.D. 1871.

records, &c. to be transmitted from all ecclesiastical courts.

letters patent, records, deeds, processes, acts, proceedings, books, documents, or other instruments or papers relating to marriages or to any matters or causes matrimonial, to transmit the same to the principal registry of the said Court for Matrimonial Causes and Matters, at such times and in such manner and under such regulations as the said Chief or Under Secretary may appoint; and if any such person shall wilfully disobey such order, he shall for the first offence forfeit the sum of *one hundred pounds*, to be recoverable, at the suit of Her Majesty's Attorney General, as a debt under this Act, in any of the superior courts at Dublin, and for the second and subsequent offences the judge of the said Court for Matrimonial Causes and Matters may commit the person so offending to prison for any period not exceeding *three calendar months*, provided that the warrant of committal be countersigned by the Chief Secretary.

Amendment of Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870.

21. Section 37 of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, shall be construed as if the words "the President or Head of the Methodist or Wesleyan Church" were omitted from the said section, and the words "the Secretary of the Methodist or Wesleyan Church in Ireland" were inserted instead thereof in the said section.

Registration of marriages by special license.

22. In all cases of marriages which may be legally solemnized under the authority of a special license granted in pursuance of the provisions of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, the parties about to contract any such marriage shall produce to the clergyman or minister celebrating the marriage, or, in case the parties are members of the Society of Friends, to the registering officer of the said Society of Friends for the district in which the same is intended to be solemnized, a certificate according to the form in the schedule hereunto annexed, or to the like effect, which certificate shall be procured by the parties contracting the marriage, previous to its solemnization, from the registrar of the district within which such marriage is intended to be solemnized, who shall be bound to fill up the said form, and which certificate shall be signed by the parties contracting the marriage and by the witnesses present thereat, not being less than two, and also by the said clergyman, minister, or registering officer; and the parties contracting the marriage shall within three days thereafter either deliver or send by post such certificate to the registrar of marriages for the district wherein the marriage was solemnized; and the husband shall, in case of failure so to deliver or send such certificate, be liable in a penalty not exceeding *ten pounds*, to be recovered in manner provided by The Registration of Marriage (Ireland) Act, 1863, for the recovery of penalties.

A.D. 1871.

Particulars of certificates to be entered in register books.

Corrections of erroneous entries.

23. Every registrar, on receipt of any such certificate, shall forthwith enter the particulars thereof in the register book: Provided always, that if any error shall be discovered to have been committed in the entry of marriage in any register, the person discovering the same shall forthwith give information thereof to the justice or justices at the petty sessions of the district within which such marriage shall have been solemnized, or, if within the Dublin Metropolitan Police District, to a divisional justice or justices within the said district; and it shall be lawful for the said justice or justices, and they are hereby authorized and required, thereupon, or upon otherwise coming to the knowledge of such erroneous entry, to summon before them the person who made and any person concerned in making such erroneous entry or having any knowledge regarding the same, and also any person interested in the effect of such erroneous entry, and to examine all such persons on oath; and if the said justice or justices shall be satisfied that any error has been committed in any such entry, such justice or justices shall, by authority in writing under his or their hands, direct the registrar to correct the erroneous entry; and it shall be lawful for the registrar, and he is hereby required, thereupon to correct the erroneous entry according to the truth of the case, by entry in the margin, without any alteration of the original entry; and such marginal entry shall contain a reference to the deposition upon which the said justice or justices directed the correction to be made, and shall be dated on the day on which it is made, and signed by the parties applying for the correction, and by the registrar; and in every case the registrar shall make the like alteration in the certified copy of the register book; provided that in case such certified copy shall have been already made, he shall make and deliver in like manner a separate certified copy of the original erroneous entry and of the marginal correction made therein.

Marriages by special license valid.

24. All marriages legally solemnized under the authority of special licenses granted in pursuance of the provisions of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, shall be deemed to be and shall be valid and effectual to all intents and purposes.

SCHEDULE.

18 .—MARRIAGES solemnized under the authority of a Special License granted by (.), at ( ), in the Registrar's District of ( ), in the county of ( ).

No.	When married.	Name and Surname.	Age.	Condition	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	27 March 18 .	Patrick Donovan	Of full Age.	Bachelor	Carpenter	3, South Street	Peter Donovan -	Upholsterer.
		Mary O'Brien -	Minor	Spinster	—	17, High Street	Laurence O'Brien	Butcher.

Married at , of ( ) according to the Rites and Ceremonies of ( ),

This Marriage was solemnized between us, { *Patrick Donovan*, *Mary O'Brien*, } By me, [*William Jackson*]. in the Presence of us, { *Dennis Donovan*, *Laurence O'Brien*.

Amendment.

A

BILL

To amend The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870.

(*Prepared and brought in by Mr. Solicitor General for Ireland, and the Marquis of Hartington.*)

Ordered, by The House of Commons, *to be Printed,* 29 *March* 1871.

[Bill 93.] *Under* 2 *oz.*

A

B I L L

TO

Render legal Marriage with a deceased Wife's Sister. A.D. 1871.

WHEREAS it is expedient to amend the law as to marriage with a deceased wife's sister:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Marriage between a man and his deceased wife's sister not void or voidable.

1. No marriage between a man and his deceased wife's sister heretofore celebrated or contracted at any place whatsoever within the realm or without, or which shall hereafter be celebrated or contracted in England or Ireland in the office of any registrar under the provisions of the Acts relating to marriages in England and Ireland or be contracted in Scotland or elsewhere, shall be deemed to have been or shall be void or voidable by reason only of the affinity of the parties thereto, or by reason of any statute or of any canonical or other objection or impediment founded only on such affinity to the validity of any such marriage or to the celebration thereof, or to the validity of any licence or certificate under which the same may have been celebrated; and the registers of all such marriages in England or Ireland, or authenticated copies thereof, and such evidence as would be proof of any other marriage in Scotland or elsewhere, shall be received in all courts of law or equity, and for all purposes, as evidence of such marriages respectively.

Excepted cases.

2. Provided always, that nothing herein contained shall render valid any marriage with the sister of a deceased wife where either of the parties has afterwards, during the life of the other and before the passing of this Act, lawfully intermarried with any other person.

Provision for saving rights.

3. Provided also, that this Act, so far as it relates to any marriage with the sister of a deceased wife, celebrated or contracted before the passing of this Act, shall not invalidate or affect any

A.D. 1871. right to any dignity or title of honour, or any estate, right, title, or interest, legal or equitable, in or to any lands, hereditaments, chattels, or effects vested in any person before the passing of this Act, nor any contingent estate or interest, legal or equitable, in any lands, hereditaments, chattels real, chattels, or effects created by or derived from any settlement, grant, conveyance to uses, release, appointment, or other instrument bonâ fide executed before the passing of this Act, or by or from any devise or will which shall have become operative by the death of the devisor or testator before the passing of this Act.

deceased Wife's Sister.

A

BILL

To render legal Marriage with a deceased Wife's Sister.

(*Prepared and brought in by Mr. Thomas Chambers and Mr. Morley.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1871.

[Bill 2.]

Under 1 *oz.*

A

BILL

TO

Grant a Duty of Excise on Matches.

A.D. 1871.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the duty herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms.

1. In this Act—

The term "matches" means and includes lucifer matches, fusees, and all other matches prepared so as to be capable of being ignited by friction, or otherwise than by the application of actual fire or heat, manufactured in or imported into the United Kingdom; and where any match has more than one point or part prepared as aforesaid, every such point or part shall be deemed to be and shall be counted as a separate match:

The term "box" includes every other kind of enclosure:

The term "the Commissioners" means the Commissioners of Inland Revenue.

Grant of duties.

2. There shall be charged and paid for and upon every box of matches which shall be sold, or exposed to sale, or be offered or kept ready for sale in the United Kingdom, on or after the *tenth*

A.D. 1871.

day of May one thousand eight hundred and seventy-one, a duty of excise as follows; that is to say,

	£	s.	d.
Where the box contains matches which, independently of the substance for ignition, are composed wholly of wood,—			
If the number of matches therein contained does not exceed 100 - - - -	0	0	0½
If the number of matches therein contained exceeds 100, then for every 100, and also for any fractional part of 100, of such number -	0	0	0½
Where the box contains matches which, independently of the substance for ignition, are composed wholly or partially of a material other than wood,—			
If the number of matches therein contained does not exceed 50 - - - - -	0	0	0½
If the number of matches therein contained exceeds 50, then for every 50, and also for any fractional part of 50, of such number - -	0	0	0½

Commissioners to provide labels for denoting duties.

Provisions of Excise Acts to apply.

3. The duties granted by this Act shall be under the care and management of the Commissioners, and shall be denoted by and collected by means of adhesive labels to be provided by the Commissioners; and, subject to the provisions of this Act, all the powers, clauses, regulations, and directions contained in any Act relating to duties of excise or to penalties under Excise Acts, and now or hereafter in force, shall be of full force and effect with respect to the duties under this Act and the penalties hereby imposed, so far as the same are applicable, as fully and effectually as if the same had been herein specially enacted with reference to such duties and penalties.

As to supply of and authority to sell labels.

4. The Commissioners shall make such arrangements as they think proper for the supply of labels provided under this Act; and may, at their discretion, grant an authority in writing to any person to sell such labels, and every such authority shall be in such form, signed by such person, and granted upon and subject to such conditions and regulations as the Commissioners may from time to time prescribe; and if any person, not being an officer of inland revenue, or a person having in force an authority in writing to sell labels provided under this Act, shall sell or offer for sale any label provided under this Act, he shall forfeit the penalty of *twenty pounds*.

Penalty for selling labels without authority.

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Manufacturers and importers of matches to make entry of their premises.

5. Every person, before he shall manufacture in or import into the United Kingdom any matches, shall, in conformity with the laws of excise in force in relation to entries, make entry of the house, building, or place intended to be used by him for manufacturing matches, or for storing matches when imported.

Conditions under which matches are to be sold.

6. On and after the said *tenth day of May one thousand eight hundred and seventy-one* no matches shall be sold or exposed to sale, or be offered or kept ready for sale, or be delivered out of the custody or possession of any manufacturer or importer of matches, except under the following conditions:

(1.) The matches shall be contained in a box:

(2.) Each box of matches shall have affixed thereto a label or labels (which shall not have been before used) denoting the proper amount of duty payable upon such box according to the number and kind of matches therein contained:

(3.) Such label or labels shall be affixed so that the whole thereof shall adhere to the box, and so that the box cannot be opened without tearing or destroying the label or labels:

(4.) Where more than one label is affixed to any box of matches the labels shall be affixed so that every label shall be wholly or partially visible.

Penalties for breach of conditions.

If any person (other than a manufacturer or importer of matches) shall sell or expose to sale, or offer or keep ready for sale, any matches otherwise than in conformity with the above conditions, he shall forfeit such matches, and the penalty of *ten pounds;* and if any manufacturer or importer of matches shall sell or expose to sale, or offer or keep ready for sale, or deliver out of his custody or possession, any matches otherwise than in conformity with the above conditions, he shall forfeit such matches and the penalty of *fifty pounds.*

Provided always, that in any proceeding for a penalty under this section, if any question shall arise whether any label shall have been before used, proof that such label had not been before used shall lie upon the defendant.

Power to proceed summarily against persons selling

7. If any person shall sell or expose to sale, or offer for sale, any matches otherwise than in conformity with the conditions specified in the preceding section in any street or highway, or in any place, not being premises occupied by such person, he shall forfeit

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matches in highways contrary to the Act.

the penalty of *ten pounds*, and it shall be lawful for any officer of inland revenue, or for any constable or police officer, to arrest such person and to convey him before a justice of the peace having jurisdiction at the place where the offence was committed, and such justice shall, either upon the confession of the offender or upon due proof on oath of the offence, convict such person in the said penalty of *ten pounds*, or in some mitigated portion not being less than one fourth part thereof; and if the same be not immediately paid, the justice shall commit the offender to any common gaol or house of correction within his jurisdiction, there to be kept to hard labour for any period not exceeding *one month*, nor less than *one week*, unless the penalty shall be sooner paid; and all matches in the custody or possession of the offender shall be forfeited and may be seized by any officer of inland revenue or by any constable or police officer.

Labels may be issued on credit upon security being given by bond.

8. It shall be lawful for the Commissioners in their discretion, and upon such security by bond being given as shall be satisfactory to them, to issue to any manufacturer or importer of matches such number of labels as the Commissioners may think proper, and to give credit for the amount of the duties represented by the labels so issued, but credit shall not be given for a longer period than *fourteen days* next after the expiration of the calendar month in which the labels shall have been issued.

Discount to be allowed on purchase.

9. The Commissioners shall allow a discount of *one* per cent. to any person who shall purchase, and immediately pay for, labels to the value of *fifty pounds* and upwards.

Penalty for buying, &c. labels before used.

10. If any person who shall manufacture, sell, keep for sale, or import any matches, shall buy, receive, or have in his custody or possession any label provided under this Act, which shall have been before used upon any box of matches, or any portion of such a label (whether such label or portion shall be loose or affixed to any box), he shall forfeit the penalty of *one hundred pounds*, and every such label or portion shall be seized.

Matches not to be imported in labelled boxes.

11. If any person shall import into the United Kingdom any matches in a box having affixed thereto any label provided under this Act, or a label in any manner resembling a label provided under this Act, he shall forfeit all the matches, together with every such box and label, and the penalty of *one hundred pounds*.

Matches may be exported duty-free.

12. A manufacturer may export matches manufactured by him duty-free, under such regulations as the Commissioners may pre-

scribe, and upon giving bond to their satisfaction with such conditions as they may think proper. A.D. 1871.

Forging labels.

13. Every person who,—

(1.) Forges or counterfeits, or causes or procures to be forged or counterfeited, or knowingly aids, abets, or assists in forging or counterfeiting, any label provided under this Act, or any plate or other instrument for printing or making any such forged or counterfeited label, or knowingly has in his custody or possession any such forged or counterfeited label, or plate or other instrument;

(2.) Has in his custody or possession, without lawful authority or excuse (the proof whereof shall lie on the person accused), any plate or other instrument for printing or making any label to be used under this Act;

(3.) Offers, utters, disposes of, or puts off or affixes to any box of matches any such forged or counterfeited label, knowing the same to be forged or counterfeited;

shall be guilty of felony, and upon being convicted thereof shall be liable, at the discretion of the court, to be kept in *penal servitude for life*, or for any term not less than *three years*, or to be imprisoned for any term not exceeding *two years*, with or without hard labour.

A

BILL

To grant a Duty of Excise on Matches.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Baxter.*)

Ordered, by The House of Commons, *to be Printed*, 21 *April* 1871.

[Bill 116.]

Under 1 *oz.*

A

B I L L

TO

Amend the Acts relating to the College of Maynooth. A.D. 1871.

WHEREAS an Act was passed in the Parliament of Ireland in the session holden in the thirty-fifth year of the reign of His Majesty King George the Third, intituled "An Act for the better "education of persons professing the Popish or Roman Catholic "religion:"

And whereas the said Act is amended by the fourth and fifth sections of an Act passed by the Parliament of Ireland in the session holden in the fortieth year of the reign of His Majesty King George the Third, intituled "An Act for the better govern- "ment of the seminary established at Maynooth for the education "of persons professing the Roman Catholic religion, and for "amending the laws now in force respecting the said seminary:"

And whereas it is expedient to increase the number of trustees elected under the said first-recited Act from seventeen to twenty-eight, and otherwise to amend that Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Powers to trustees to increase their number to 28.

1. It shall be lawful for the trustees elected under the said first-recited Act to elect, in addition to the seventeen elective trustees so elected, eleven persons, qualified in manner by that Act prescribed, to be trustees for the purposes of the said first-recited Act as so amended as aforesaid; and the persons so elected shall act as and be trustees in the same manner in every respect as if they had been elected under the provisions of the said first-recited Act, and all the powers conferred by that Act as so amended as aforesaid upon trustees shall apply and may be exercised by the said persons as such trustees, together with the trustees elected or to be elected under the said first-recited Act or this Act; and the said

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first-recited Act shall be read and construed as if the number of the elective trustees thereby prescribed had been twenty-eight instead of seventeen, and all the provisions of the said first-recited Act as so amended as aforesaid shall apply to the said increased number of trustees, and to the election of their successors from time to time, and to all acts, matters, or things to be done by the trustees acting in the execution of the said first-recited Act as so amended as aforesaid.

Repeal of sec. 4. of 35 G. 3. c. 21. (I.)

2. From and after the passing of this Act section four of the said first-recited Act shall be and the same is hereby repealed.

A

BILL

To amend the Acts relating to the College of Maynooth.

(*Prepared and brought in by The Marquis of Hartington and Mr. Solicitor General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 12 *July* 1871.

[Bill 243.]

Under 1 *oz.*

Medical Act (1858) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preliminary.

1. Short title and construction.
2. Definitions.

General Medical Council.

3. Election of council.
4. Retirement of present council.
5. Constitution of council.
6. Election of president.
7. Resignation or death of member of council.
8. Notice of day, &c. of election.
9. Mode of election by medical practitioners.
10. Chief registrar to certify to Privy Council names of persons elected by medical practitioners.
11. Mode of nominating candidates for election by medical practitioners.
12. Expenses of election of General Medical Council, how defrayed.
13. Mode of election by medical authorities.
14. Medical authorities to elect and certify to the chief registrar, who shall report to Privy Council.
15. Provision in case of neglect of medical authorities to elect or certify.
16. Branch councils for England, Scotland, and Ireland.
17. Meetings of General Medical Council.
18. Executive committee of general council.
19. Council may grant license to practise.

Examiners and Inspectors.

20. Appointment of board of examiners.
21. Half-yearly and special examinations.
22. Nature of medical examination.
23. Examiners to report to council, and to grant certificates to candidates.

Clause.

24. Chief registrar to procure and deliver license, after receiving examiners certificates.
25. Preliminary examinations.
26. Provision for examination of persons partially qualified.
27. Remuneration of examiners.
28. Appointment of board of inspectors of medical examinations.
29. Inspectors may attend examinations by medical authorities.
30. Remuneration of inspectors.

Registration, &c.

31. Persons licensed by General Medical Council to be entered on register.
32. No qualification to be granted to any person not registered.
33. Registration under principal Act to cease.
34. Form of register.
35. Limitation of time for registration under principal Act.
36. Power to erase or alter entries in registers.
37. Council may refuse to insert in register diploma, &c., if obtained by insufficient examination.
38. Registration of colonial or foreign practitioners.
39. Special registration of colonial or foreign practitioners.

Fees.

40. Fees for registration.
41. Payment of fees.

Penalties.

42. Penalties for unauthorised assumption of titles, &c. by unregistered practitioners.

Miscellaneous.

43. Bachelor of surgery.
44. Degrees or diplomas of state medicine.
45. Notices may be served by post.
46. Majority of medical authorities to act.
47. Corporate seal.
48. General repealing clause.

SCHEDULES.

A

B I L L

TO

Amend the Medical Act, 1858.

A.D. 1871.

WHEREAS it is expedient to amend the law relating to the qualification, education, and registration of practitioners in medicine and surgery:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title and construction.

1. This Act shall be construed as one with the Medical Act, 1858, (in this Act referred to as "the principal Act,") and with the Acts amending the same, as set forth in the first schedule to this Act, and those Acts and this Act may be cited together as "the Medical Acts, 1858 to 1871," and each of those Acts may be cited by the short title in the said schedule mentioned, and this Act may be cited as "The Medical Act, 1871."

Definitions.

2. In this Act, if not inconsistent with the context, the following terms shall have the meanings herein-after assigned to them; that is to say,

"British possession" shall mean any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom:

"The General Medical Council" shall mean the Incorporated General Council of Medical Education and Registration of the United Kingdom as established by the principal and other Acts set forth in the first schedule to this Act, and wherever in such Acts the words "the General Council" occur they shall be read as "the General Medical Council":

"The medical authorities" shall mean the medical authorities of the United Kingdom in England, Scotland, and Ireland respectively, as set forth in the second schedule to this Act:

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"Fundamental medical sciences" shall mean chemistry, botany, natural history, general pharmacy, anatomy, and physiology:

"The chief registrar" shall mean the registrar appointed by the general council, under the provisions of the tenth section of the principal Act:

"Medical practitioner" shall mean a legally qualified medical practitioner, as explained by the thirty-fourth section of the principal Act.

General Medical Council.

Election of council.

3. The General Medical Council shall be elected once in every *five years* on the first Monday in February, and the first election under this Act shall be made on the *fifth day of February one thousand eight hundred and seventy-two*, and every member of the council shall from time to time be eligible for re-election.

Retirement of present council.

4. On and after the *fifth day of February one thousand eight hundred and seventy-two*, the present members of the general council shall cease to hold office, but shall be eligible for appointment or election under this Act in manner herein-after provided.

Constitution of council.

5. The General Medical Council shall consist of a president and twelve medical practitioners, of whom four shall be appointed by Her Majesty, with the advice of her Privy Council, viz., two for England, one for Scotland, and one for Ireland. Four shall be elected in manner herein-after provided by the medical practitioners of the United Kingdom, namely, two for England by the medical practitioners of England, one for Scotland by the medical practitioners of Scotland, and one for Ireland by the medical practitioners of Ireland. Four shall be elected in manner herein-after provided by the medical authorities of the United Kingdom, viz., two for England by the medical authorities of England collectively, one for Scotland by the medical authorities of Scotland collectively, and one for Ireland by the medical authorities of Ireland collectively.

Election of president.

6. The medical practitioners so elected on the council shall forthwith appoint a president, who may either be a member of their own body, or a medical practitioner, or otherwise, as they may think fit; provided that if they appoint a member of their own body then another medical practitioner shall be constituted a member of the council in his place, in manner herein provided, in case of death or resignation.

Resignation or death of member of council.

7. Any member of the General Medical Council may resign his appointment by letter addressed to the said council, and upon the

death or resignation of any member of the said council some other person shall, on some day to be fixed by the council, be constituted a member of the said council in his place, in manner herein provided, and such other person shall hold office in the same manner and subject to the same conditions as his predecessor would have done.

Notice of day, &c. of election.

8. Once in each week for four consecutive weeks preceding any election of a member or members of the General Medical Council the chief registrar shall cause to be inserted in not less than two of the weekly medical journals, and also in the Times newspaper, a notice of the day fixed for such election, together with such other particulars in reference thereto as the General Medical Council for the time being may authorise: Provided that the last of such insertions shall not be less than four or more than six weeks immediately preceding the date of such election.

Mode of election by medical practitioners.

9. Every election of a member or members for the General Medical Council by the medical practitioners of the United Kingdom shall be conducted in manner following; that is to say, as soon as may be after the insertion of the latter of such last-mentioned notices, but not less than fourteen days previous to the day therein named for such election, the chief registrar shall cause to be forwarded, by post, to each medical practitioner resident in the United Kingdom, and entitled to vote at such election, a voting paper, setting forth the day of election, the number of persons to be elected, and the portion of the United Kingdom for which they are to be elected, and the name of every person who, being legally qualified, shall also have been duly nominated as a candidate for such election, and the voter shall affix his initials opposite the name of each of the candidates for whom he desires to vote, and shall sign such voting paper in the presence of a witness, who shall attest the same by writing thereon his name and address; and such voter shall transmit such voting paper, so filled up, signed, and witnessed, by post, prepaid, to the chief registrar, before the day named in such voting paper as the day of such election.

Chief registrar to certify to Privy Council names of persons elected by medical practitioners.

10. The chief registrar shall forthwith examine or cause to be examined all the voting papers received by him before twelve o'clock in the evening of the day appointed for such election, and shall reject all voting papers not duly signed and attested, or by which the voter has voted for a larger number of persons than he is entitled to vote for, and from the remaining voting papers the chief registrar shall ascertain accurately the number of votes duly given for each of the respective candidates named therein, and

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shall make and sign a return of the same, and upon such return shall certify the name, residence, and description of every person who has been duly elected as member of the General Medical Council for England, Ireland, and Scotland respectively, and shall within one week after the day of such election lodge such return with Her Majesty's Privy Council, and every such person shall thereupon be considered to have been duly elected a member of the General Medical Council; and the chief registrar, once in each week for four consecutive weeks, and in the same medical papers in which the previous notices of the election had been inserted, shall insert the names of the persons so duly elected as aforesaid.

Mode of nominating candidates for election by medical practitioners.

11. No candidate for election on the council by the medical practitioners of the United Kingdom shall be considered as duly nominated unless he be a medical practitioner, nor unless the following requirements have been complied with:

1. The nomination shall be in writing, signed by not less than twenty medical practitioners:
2. The candidate shall, on such nomination paper, signify his intention to act on the council if elected:
3. Such nomination shall be delivered to the chief registrar at least thirty days prior to the day named for such election.

Expenses of election of General Medical Council, how defrayed.

12. The expenses incurred by the registrar in respect of any election of a member or members on the General Medical Council shall be defrayed out of the funds at the disposal of the branch councils of England, Scotland, and Ireland respectively, in such proportion as the General Medical Council may direct.

Mode of election by medical authorities.

13. Within one month after the passing of this Act, the chief registrar shall give notice of the same to each of the medical authorities named in the second schedule to this Act, and on or before the first day of November one thousand eight hundred and seventy-one the medical authorities for England, Scotland, and Ireland respectively may and shall (subject to the provisions of this Act) decide upon the mode in which they shall elect a member or members of the General Medical Council, and also the mode in which and the person by whom the result of such election shall be certified to the chief registrar; and such authorities shall respectively, within seven days after the said first day of November, communicate the same to the chief registrar; and in the event of such medical authorities, or either of them, failing so to decide or to make such communication, it shall be lawful for the General Medical Council for the time being (but subject to the provisions of this Act) to decide upon the mode in which the medical authorities so

failing shall elect and certify the election of such member or members, and upon notice of such last-mentioned decision being given by the chief registrar to such medical authorities they shall adopt such mode of electing and certifying accordingly.

Medical authorities to elect and certify to chief registrar, who shall report to Privy Council.

14. When any such notices as aforesaid have been given of any election at which the medical authorities, or either of them, shall be entitled to vote, such medical authorities shall forthwith proceed respectively to the election of such member or members, and shall, within one week after the day of such election, duly certify in writing to the chief registrar the name, residence, and description of every person so elected by them; and the chief registrar shall, within three days after receiving such certificate, report the contents of the same to Her Majesty's Privy Council, and every person therein named shall thereupon be considered to have been duly elected a member of the General Medical Council, and the chief registrar shall give notice of the same, in manner herein-before provided as to members elected by the medical practitioners.

Provision in case of failure of medical authorities to elect or certify.

15. In the event of either of the medical authorities for England, Scotland, or Ireland failing to elect, or failing to certify the election of a person duly qualified to be a member of the General Medical Council, within the time mentioned, and in accordance with the provisions of this Act, Her Majesty, acting under the advice of her Privy Council, shall proceed to appoint a member or members to represent such medical authorities.

Branch councils for England, Scotland, and Ireland.

16. Those members of the General Medical Council who shall be appointed or elected for England, Scotland, or Ireland respectively shall collectively be branch medical councils for such parts of the United Kingdom respectively; and the General Medical Council may delegate to each such branch council such of its powers and duties as to the General Medical Council may seem fit; and the president for the time being shall be ex officio a member of each branch council.

Meetings of General Medical Council.

17. The General Medical Council shall hold their first meeting within one month after the day appointed for their election, and shall hold such other meetings from time to time as they may deem expedient; and the said council may make general rules and regulations for carrying this Act into effect, which general rules and regulations shall remain in force until altered at any subsequent meeting: Provided always, that it shall be lawful for the president at any time, if he see fit, to direct the chief registrar to summon a special meeting of the said council at such time and place as to the

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president shall seem expedient, by letter addressed to each member, stating the object of such meeting; and at every meeting of the General Medical Council the president, or, in his absence, some other member to be chosen from the members present, shall preside; and all business to be transacted at any meeting of the said council shall be decided by the votes of the majority of the members present at such meeting, but no business shall be transacted at any meeting, beyond the act of adjourning the same, unless at least eight members be present; and at all such meetings the president or other member presiding shall, in addition to his vote as a member of the council, have a casting vote in case of an equality of votes.

Executive committee of General Council.

18. The General Medical Council may appoint out of their own body not less than four persons, including the president, as an executive committee, of which the quorum shall not be less than three, and may delegate to such committee such of the powers and duties vested in them as they may see fit, other than the power of making rules and regulations, or of making representations to Her Majesty in Council, as herein-after mentioned.

Council may grant licenses to practise.

19. It shall be lawful for the General Medical Council, under their corporate seal, to grant a license to practise medicine and surgery in the United Kingdom to any person who shall have been duly certified to them by the examiners under this Act to be appointed to have satisfactorily passed such medical examination as is herein-after provided; and, subject to the provisions of this Act, it shall be lawful, after receiving such license, for such persons to practise medicine and surgery accordingly.

Examiners and Inspectors.

Appointment of board of examiners.

20. The General Medical Council shall constitute a board, to be called "The National Medical Examining Board," by appointing thereto from time to time, for any period not exceeding five years, such number as they may think fit of persons of approved skill in the several subjects on which they are to examine; but such persons, after the expiration of the time for which they are so appointed, shall not be eligible for re-appointment; and such board, or such members thereof as may from time to time be appointed for that purpose by the General Medical Council, shall attend in England, Scotland, and Ireland respectively, and conduct the examination of all candidates for a license to practise under this Act.

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Half-yearly and special examinations.

21. The first examination of candidates for a license to practise under this Act shall be held in each division of the United Kingdom not later than the *first day of August one thousand eight hundred and seventy-two*, and shall be continued at intervals of not less than once in every six months at such place and time as may be appointed by the General Medical Council, notice of which place and time shall be given by the chief registrar once in each week for four consecutive weeks immediately preceding the date of such examination, in not less than two of the weekly medical journals and also in the Times newspaper: Provided always, that it shall be lawful for the General Medical Council, or either of the branch councils, at their discretion, and on the request of any such candidate, and subject to the payment of such extra fees as they may deem proper, specially to authorise any such candidate to be examined for such license at such time and place as may to them seem proper.

Nature of medical examination.

22. Every examination of a candidate for a license to practise shall embrace a full inquiry into the candidate's knowledge of the fundamental medical sciences, and into the theoretical knowledge possessed by him of medicine, surgery, and midwifery, and more especially as to his practical knowledge (as tested at the bedside) of cases of disease in all these departments.

Examiners to report to council, and to grant certificates to candidates.

23. It shall be the duty of the examiners to make a report to the General Medical Council of the result of every examination attended by them, and they shall also give to every candidate who shall pass such examination to their satisfaction a certificate thereof under their hands.

Chief registrar to procure and deliver license, after receiving examiners certificate.

24. Every candidate who shall have received from the examiners a certificate of having passed a satisfactory examination as hereinbefore provided shall forthwith present the same to the chief registrar, and it shall be his duty to procure and deliver to the examinant a license to practise, duly sealed with the corporate seal of the General Medical Council.

Preliminary examinations.

25. It shall be the duty of the General Medical Council to make such regulations for testing by preliminary examination or otherwise the proficiency in ordinary non-professional branches of education of candidates for examination for a license to practise under this Act.

Provision for examination of persons partially qualified.

26. Where any person has obtained before the passing of this Act a qualification to practise in medicine or in surgery, or in some branch of medicine or surgery, but not in all the branches of

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medicine and surgery, the General Medical Council, or either of the branch councils, may, on the request of such person, specially authorise such person to be examined as a candidate for a license to practise under this Act, upon such terms and subject to such conditions as may to them seem proper.

Remuneration of examiners.

27. The members of the National Medical Examining Board under this Act shall receive such remuneration for their labours as to the General Medical Council may seem fit.

Appointment of board of inspectors of medical examinations.

28. The General Council shall appoint not less than three or more than six persons who shall be called "The National Board of Inspectors of Medical Examinations," and such inspectors, or some one or more of them, shall from time to time attend every examination of the National Medical Examining Board, and report to the General Medical Council thereon, and such inspectors shall so attend the said examinations as that neither of them shall attend two consecutive examinations in either part of the United Kingdom.

Inspectors may attend examinations by medical authorities.

29. The inspectors shall, at the request of the General Medical Council, attend the examinations of any of the medical authorities in the United Kingdom conferring degrees or diplomas, and such medical authorities are hereby required to allow such attendance; and it shall be the duty of such inspectors to make such report thereon to the General Medical Council as the said inspectors deem advisable.

Remuneration of inspectors.

30. The inspectors of medical examinations under this Act shall receive such remuneration for their duties as to the General Medical Council shall seem fit.

Registration, &c.

Persons licensed by General Medical Council to be entered on register.

31. The chief registrar shall forthwith register, or cause to be registered, under this Act, in the general and branch registers, the name of every person to whom a license to practise shall have been granted in manner last mentioned, but no person shall be entitled to be registered under this Act unless and until he shall have obtained such license.

No qualification to be granted to any person not registered.

32. Within one week after the General Medical Council shall have fixed the date of the first examination in England, Scotland, and Ireland respectively of candidates for a license to practise under this Act, the chief registrar shall give notice thereof to each of the medical authorities in that part of the United Kingdom; and after such date it shall not be lawful for either of such medical authorities to grant to any person whatever the title or qualification of "licentiate," nor shall it be lawful for either of such authorities

after such date to grant any other medical diploma, degree, or title to any person whatever who at the time of granting the same shall not be registered under this Act, or under the principal Act, or the Medical Act of 1868. A.D. 1871.

Registration under principal Act to cease.

33. After the date fixed by the council for the first examination of candidates under this Act, no person, except those at the time of the said date registered or registerable under the Act of 1858, and those herein-after mentioned, shall be registered under the principal Act, by virtue of any qualification in that Act mentioned.

Form of register.

34. All registration under this Act shall be in the form prescribed in the third schedule of this Act.

Limitation of time for registration under principal Act.

35. Prior to the first of January one thousand eight hundred and seventy- , every person who at the date of the passing of this Act was qualified to be registered under the principal Act shall be entitled, upon application, to be so registered; but after the said first of January one thousand eight hundred and seventy- no person, except as herein-after mentioned, shall be registered under the principal Act, by virtue of any qualification in that Act mentioned.

Power to erase or alter entries in registers.

36. With regard to the general register of the United Kingdom, and the branch registers thereof, the following provisions shall take effect, in addition to those prescribed by the principal and other Acts in the first schedule to this Act mentioned:

(*a.*) If, after any person is registered as a licentiate, in pursuance of this Act, any medical authority shall deprive such person of any medical diploma, degree, or title granted to him by such medical authority, such medical authority shall forthwith certify the same to the chief registrar, who shall forthwith erase or cause to be erased from the general register and any branch register the diploma, degree, or title which may have been inserted therein, and of which such licentiate has been so deprived:

(*b.*) Where, under the authority of the principal Act, the name of any person shall have been erased from any register, the name of that person shall not be again registered in any register, except by direction of the General Medical Council, or by order of a court of competent jurisdiction:

(*c.*) If the General Medical Council think fit, in any case, they may direct any registrar to restore to his register any name erased by him therefrom; and the registrar shall restore the same accordingly:

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(*d.*) If the name of any person has been erased from any register at the request or with the consent of such person, such name may, by order of the General Medical Council, be restored to such register, on the application of such person, and on payment of such fee, not exceeding the amount for the time being of the fee for registration, as the General Medical Council may by such order determine:

(*e.*) Each registrar shall from time to time insert in his register any alteration which may come to his knowledge in the address or legal description of any person registered:

(*f.*) Where any medical practitioner shall have been, either before or after the date of his registration, convicted in any part of Her Majesty's dominions, or in any foreign country, of any offence which, if committed in England, would be a felony or misdemeanor, or, if committed in Scotland, would be a crime and offence, or shall, in the opinion of the General Medical Council, have been guilty of any infamous or disgraceful conduct in any professional respect, such medical practitioner shall be liable to have his name erased from the register; and the General Medical Council may, and upon application of any of the medical authorities shall, cause inquiry to be made into the case of any person who is alleged to be liable to have his name erased, under the provisions of this section; and after notice to and hearing such person, if he shall desire to be heard, the General Medical Council, on proof of such conviction or infamous or disgraceful conduct, shall cause the name of such person to be erased from the register: Provided always, that the name of no person shall be erased under this section on the ground of his adopting any theory of medicine or surgery.

Council may refuse to insert in register diploma, &c., if obtained by insufficient examination.

37. If any or either of the inspectors of examinations appointed under this Act shall at any time report to the General Medical Council that in their or his judgment the course of study or examination required by either of the medical authorities as the condition for granting any medical diploma, degree, or title is insufficient, and implies a lower standard of medical knowledge than is required by the examination under this Act, it shall be the duty of the General Medical Council, if they consider such report well founded, to communicate with such medical authority, requiring them to adopt a higher standard of study and examination; and it shall be lawful for the General Medical Council, with the consent of Her Majesty's Privy Council, to refuse to insert in the register any

medical diploma, degree, or title granted by such medical authority, unless and until a higher standard of education or examination has been adopted by them, to the satisfaction of the General Medical Council.

Registration of colonial or foreign practitioners under the principal Act.

38. Where any person holds any medical diploma, degree, or title, granted in any British possession or in any foreign country, and such person proves to the satisfaction of the General Medical Council that such diploma, degree, or title represents the like degree of knowledge, as tested by examination, to that which is required for obtaining a license to practise under this Act and entitles the holder thereof to practise medicine and surgery in such British possession or foreign country, then, if such person is more than forty years of age, and has practised medicine and surgery for not less than ten years out of the United Kingdom, or, in the case of persons practising in the United Kingdom at the time of the passing of this Act, for not less than ten years in the United Kingdom or elsewhere, it shall be lawful for the General Medical Council, on the application of such person, and upon reasonable proof of character, to direct such person to be registered under the principal Act, without examination, upon payment of such fee, not exceeding the ordinary fee for registration, as the General Medical Council may deem proper.

Special registration of colonial or foreign practitioners under the principal Act.

39. Where the General Medical Council are satisfied of the eminent professional acquirements and character of any person who for more than ten years has practised medicine or surgery in any British possession or foreign country, they may, by a special order, direct such person to be registered under the principal Act, and such person shall be registered accordingly.

Fees.

Fees for examination and registration.

40. Fees to be paid under this Act may be from time to time fixed by the General Medical Council, provided that the fees for examination and registration shall not exceed respectively the sum of *five pounds*; and such fees shall be paid to the chief registrar by every candidate for examination for the license under this Act before he is admitted to such examination, but such registration fee shall be repaid to any unsuccessful candidate.

Payment of fees.

41. The fees for examination and registration herein-before mentioned shall be paid to the treasurer of the branch medical council within whose district the same shall have become payable, and shall be applied by him under the direction of such branch medical council.

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Penalties.

Penalties for unauthorized assumption of titles, &c. by unregistered practitioners.

42. If any person who for gain either practises medicine or surgery, or any branch of medicine or surgery, or is engaged in the cure or treatment of diseases or injuries, and is not registered under the principal Act, takes or uses any of the designations enumerated in schedule A. to the principal Act, as amended by this Act, or by any of the Acts in the first schedule mentioned, or the designation of licentiate in medicine and surgery, or licentiate in medicine, or in surgery, or in any branch of medicine or surgery, professor of medicine, professor of surgery, physician, surgeon, doctor, medical practitioner, or any designation used to distinguish duly qualified practitioners of medicine or surgery, or any branch of medicine or surgery, he shall for every such offence be liable, on summary conviction, to a penalty not exceeding *one hundred pounds*: Provided that a person shall not be liable to such penalty if he shows that he is not a British subject, and not ordinarily resident in the United Kingdom, and holds a medical diploma, degree, or title from some university, college, or body in any British possession or foreign country entitled to grant the same.

If any person who for gain either practises medicine or surgery, or is engaged in the cure or treatment of diseases or injuries, wilfully takes or uses any of the above-mentioned designations to which he is not entitled, he shall for every such offence be liable, on summary conviction, to a penalty not exceeding *twenty pounds*.

If any person not registered under the principal Act gives any certificate which under the principal Act is not valid unless signed by a person registered under the principal Act, he shall be liable, on summary conviction, to a penalty not exceeding *twenty pounds*.

The General Medical Council and also any branch medical council may take proceedings against any person for the contravention of this section; and no prosecution for the contravention of this section shall be instituted by any private person, except with the consent of the General Medical Council or some branch medical council.

Nothing in this section shall prevent any person who lawfully holds a certificate of fitness to practise as a dentist granted by the Royal College of Surgeons of England from taking or using the title of certified dentist, or, if he has obtained a certificate before the passing of this Act, the title of licentiate in dentistry, or impose any penalty on such person for taking or using such title.

Nothing in this section shall impose any penalty on any person engaged solely in the cure or treatment of the diseases or injuries of animals, and not of human beings.

Miscellaneous. A.D. 1871.

Bachelor of surgery.

43. The degree of bachelor of surgery, conferred either before or after the passing of this Act by any university legally entitled to confer the same, shall be deemed to be one of the qualifications described in schedule A. of the Medical Act.

Degrees or diplomas in state medicine.

44. Degrees or diplomas in state medicine conferred before or after the passing of this Act by any medical authority legally entitled to confer the same shall be deemed to be one of the qualifications described in schedule A. of the Medical Act.

Notices may be served by post.

45. All notices and documents required by this Act to be sent may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepaid, and properly addressed, and put into the post. Notices and documents may be in writing or in print, or partly in writing or partly in print, and may be sent addressed to the General Medical Council or medical examining board, or the medical authority, or to some officer of such council, board, or authority, at the principal office or building belonging to such council, board, or authority.

Majority of medical authorities to act.

46. Any power given by this Act to, and anything authorised or required by this Act to be done, by the medical authorities of any one part of the United Kingdom, may, in the case of England and Scotland, be exercised and done by not less than five, and in the case of Ireland by not less than four of such medical authorities.

Corporate seal.

47. The corporate seal of the General Medical Council shall not be affixed to any document except by the authority of such council, and in the presence of not less than three members thereof, who, after such seal is affixed shall also sign such document, and the same shall be countersigned by the chief registrar.

General repealing clause.

48. All clauses of the Medical Act (1858), and all clauses of other Acts which are inconsistent with this Act, shall be and hereby are repealed.

FIRST SCHEDULE.

The Medical Acts.

Year and Chapter of Act.	Title.	Short Title.
21 & 22 Vict. c. 90. -	An Act to regulate the Qualifications of Practitioners in Medicine and Surgery.	The Medical Act, 1858.
22 Vict. c. 21. - -	An Act to amend the Medical Act (1858).	The Medical Act, 1859.
23 & 24 Vict. c. 7. -	An Act to amend the Medical Acts.	The Medical Acts Amendment Act, 1860.
23 & 24 Vict. c. 66. -	An Act to amend the Medical Act (1858).	The Colleges of Physicians Act, 1860.
25 & 26 Vict. c. 91. -	An Act to incorporate the General Council of Medical Education and Registration of the United Kingdom, and for other purposes.	The Medical Act, 1862.
31 & 32 Vict. c. 29. -	An Act to amend the Law relating to Medical Practitioners in the Colonies.	The Medical Act Amendment Act, 1868.

SECOND SCHEDULE.

Medical Authorities.

Medical Authorities in England.

The University of Oxford;
The University of Cambridge;
The University of Durham;
The University of London;
The Royal College of Physicians of London;
The Royal College of Surgeons of England;
The Apothecaries Society of London.

Medical Authorities in Scotland.

The University of Edinburgh;
The University of Aberdeen;
The University of Glasgow;
The University of Saint Andrew's;
The Royal College of Physicians of Edinburgh;
The Royal College of Surgeons of Edinburgh;
The Faculty of Physicians and Surgeons of Glasgow.

Medical Authorities in Ireland.

The University of Dublin;
The Queen's University in Ireland.
The King and Queen's College of Physicians in Ireland;
The Royal College of Surgeons in Ireland;
The Apothecaries Hall of Ireland.

THIRD SCHEDULE.

Form of Register.

Date of Registration.	Part of the United Kingdom in which examined.	Name.	Residence.	Name of Medical Authorities and the Diploma, Degree, or Title (if any) granted thereby.

Amendment.

A

B I L L

To amend the Medical Act, 1858.

(*Prepared and brought in by*
Dr. Lush, Mr. Mundella, and Dr. Brewer.)

Ordered, by The House of Commons, *to be Printed,*
14 *March* 1871.

[Bill 72.]

Under 3 *oz.*

A

B I L L

TO

Amend the Medical Act, 1858. A.D. 1871.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title and construction.

1. This Act shall be construed as one with the Medical Act (1858), (in this Act referred to as the principal Act,) and with the Acts amending the same mentioned in the first schedule to this Act, and those Acts and this Act may be cited together as "The Medical Acts 1858 to 187 ;" each of those Acts may be cited by the short title in the said schedule mentioned, and this Act may be cited as "The Medical Act, 187 ."

Definitions.

2. In this Act the term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom:

The term "General Medical Council" means the General Council of Medical Education and Registration of the United Kingdom:

The term "medical authorities" means as regards each part of the United Kingdom the authorities in that behalf mentioned in the second schedule to this Act:

The term "registrars" shall mean the registrars appointed under the tenth and eleventh clauses of the principal Act, and holding office at the date of the passing of this Act, or who may be subequently appointed.

Retirement of present Council.

3. On and after the *fifth day of February one thousand eight hundred and seventy-two*, the present members of the General Council shall cease to hold office, but shall be eligible for appointment or election under this Act in manner herein-after provided.

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Election of Council.

4. The General Medical Council shall be elected once in every five years on the first Monday in February, and the first election under this Act shall be made on the fifth day of February one thousand eight hundred and seventy-two, and every member of the Council shall from time to time be eligible for re-election.

Members of General Medical Council.

5. The General Medical Council shall consist of persons chosen from time to time by the several bodies mentioned in and in the manner prescribed by section four of the principal Act; of three persons to be nominated by Her Majesty, with the advice of Her Privy Council, one of whom shall be appointed for England and Wales, one for Scotland, and one for Ireland; and of five persons to be elected by and out of the registered medical practitioners resident in each part of the United Kingdom, three of whom shall be elected for England and Wales, one for Scotland, and one for Ireland. The President of the General Medical Council shall be chosen from amongst the members of the General Medical Council so elected as aforesaid.

Mode of election of members to represent registered medical practitioners in Council.

6. The election of persons to represent the registered medical practitioners resident in each part of the United Kingdom on the General Medical Council shall be conducted as follows:

(*a.*) The elections shall from time to time be conducted by the registrars for the time being appointed by the several Branch Councils, who previously to every such election shall be sworn before a justice of the peace in England or Ireland, and before a sheriff or his depute in Scotland, as the case may be, in the presence of one or more members of the Branch Council in manner following: "I (*A.B.*) will conduct this election and do all things "in relation thereto without favour or affection, and will "make true returns in accordance with the true intent "and meaning of 'The Medical Acts, 1858 to 187 :'"

(*b.*) The registrar shall, two months at least before the day fixed for the election of the General Medical Council, forward by post to each of the registered medical practitioners resident in his part of the United Kingdom, a notice, bearing the date upon which it shall be posted, that an election will be held at the time appointed, and which shall be specified in such notice, of a person or persons to represent the registered medical practitioners on the General Medical Council, and that he will receive during one month from the date of such notice the names of all persons being registered medical practitioners desirous of

offering themselves, or who shall be proposed as candidates to represent the medical practitioners in that part of the United Kingdom:

(*c.*) All such notices shall be published once in the London, Edinburgh, and Dublin Gazettes, and in two medical journals, and two or more newspapers published in London, Edinburgh, and Dublin, as the case may be, the first of such publications to be not more than two months and the last less than one month previously to such election:

(*d.*) As soon as may be after the last publication of such notices respectively, but not less than fourteen days at least previous to the day appointed for such election, the registrar shall cause to be forwarded by post to each registered medical practitioner resident in his part of the United Kingdom, a voting paper, in the form as near as may be set forth in the fourth schedule to this Act annexed, containing the name or names of all persons who may have offered themselves or who may have been proposed as such candidates as aforesaid, with directions that such voter shall affix his initials opposite the name or names of the candidates he may select, and shall sign such voting paper in the presence of a justice of the peace, clerk of union, sheriff or his depute, or any minister of any religious persuasion of the parish, to whom he may be personally known, who shall attest the same as a witness thereto, and such voter shall transmit such voting paper, so filled up, signed, and witnessed, by post, to the registrar from whom he shall have received it:

(*e.*) The registrar, on the day succeeding that named in the notice and in the voting paper for holding the election as the last day for receiving the said voting papers, shall proceed to examine all the voting papers received by him up to twelve o'clock of the night of the previous day, and shall make up the returns therefrom; and such registrar shall reject all voting papers not duly signed and attested, and also all voting papers by which votes are purported to be given for more than three representatives in England and Wales, or for more than one representative in Scotland, or one in Ireland, and shall carefully count the number of votes duly given by such qualified voters for such qualified candidates, and shall make and sign a return declaring the persons for whom the greater number

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of votes shall have been given in England and Wales, in Ireland, and in Scotland, as the case may be, to be members of the General Medical Council, elected by the registered medical practitioners for the then next ensuing five years, and he shall attach to such return a tabular statement of the names and addresses of the several candidates, and the number of votes given for each, which tabular statement he shall file in his office, and shall forward a copy thereof, on the day of the date thereof, to the registrar for the time being of the General Medical Council; and such persons respectively shall represent the medical practitioners on the General Medical Council for the next five years ensuing from the date of such elections respectively.

Defrayment of the expenses of the elections.

7. All the expenses attendant on such elections respectively shall be defrayed out of the funds at the disposal of the Branch Council for the respective divisions of the United Kingdom in which such elections shall have been held, and there shall be paid to the respective members representing the registered medical practitioners such fees for attendance, and such reasonable travelling expenses, and in like manner, as shall from time to time be allowed to the other members of the General Medical Council.

Vacancies, how to be filled up.

8. In the event of a vacancy being created by the death, resignation, or otherwise of one of the members so elected by the registered medical practitioners, such vacancy shall be filled up in the same manner as that prescribed under this Act for the election of persons representing the registered medical practitioners on the General Medical Council.

If no candidate appear, Branch Council to nominate a member to represent resident medical practitioners.

9. In the event of no candidate offering himself or being proposed to represent the registered medical practitioners in any one or all of the divisions of the United Kingdom, at the period fixed by any such notice or notices as aforesaid for the election of medical practitioners to act in the Council under this Act, it shall be lawful for the Branch Council of that part of the United Kingdom, on receiving a certificate to that effect from the registrar, but in such case only, to nominate a person or persons, as the case may be, to represent the registered medical practitioners of that part of the United Kingdom, provided such person or persons be a registered medical practitioner or registered medical practitioners resident in that part of the United Kingdom, and such person or persons so nominated shall, for all the purposes of this Act, be deemed to have been elected under the provisions of this Act.

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No person not a licentiate to be registered.

10. After the date fixed for the commencement of examinations by the first medical examining board or boards appointed under this Act, no person who is not at that date qualified to be registered under the principal Act shall be registered under that Act, unless he has, after examination by a medical examining board appointed under this Act, obtain a licence to practise in medicine, surgery, and midwifery under this Act.

Medical Examining Board.

Establishment of a medical examining board.

11. For the purpose of conducting the examinations and granting the licences under this Act there shall be established, by means of the scheme provided in this Act, three examining boards, one in England, one in Ireland, and one in Scotland.

Proposal of scheme for establishing board by medical authorities.

12. The medical authorities of each part of the United Kingdom shall, before the *day of* next, submit to the General Medical Council a scheme for the establishment of the medical examining board of that part, and the General Medical Council, before the *day of* next, shall approve such scheme, with or without any alterations made with the consent of the said medical authorities, and propose the scheme so approved by them to the Privy Council.

Proposal of scheme by medical council.

13. If in the case of any part of the United Kingdom—

(*a.*) No scheme has been submitted by the medical authorities of that part to the General Medical Council; or,

(*b.*) The Privy Council have refused to confirm any scheme so proposed;

(*c.*) Or, that any medical examining board appointed under this Act be dissolved under the twentieth section of this Act,

the General Medical Council shall, subject to the appeal hereinafter provided, themselves forthwith frame and propose to the Privy Council a scheme for the establishment of the medical examining board for that part of the United Kingdom.

Confirmation of scheme by Privy Council.

14. The General Medical Council shall, cotemporaneously with such proposal, cause notice of any scheme so proposed by them to be sent to all the medical authorities in the United Kingdom; and during one month after such notices are sent the Privy Council shall receive any objections and representations made to them respecting the scheme by any medical authority to which such notice is required by this section to be sent, or by any three or more members of the General Medical Council.

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At any time before the confirmation of the scheme the General Medical Council may propose to the Privy Council any modifications in the scheme which they may desire to make.

After the expiration of the said month the Privy Council may, if they think fit, make an order confirming the scheme, with or without the modifications so proposed to them, or any of them, and if the Privy Council refuses to confirm any scheme the General Medical Council may frame and propose a new scheme.

The General Medical Council shall give to all the medical authorities of the United Kingdom due notice of any modifications they may propose to make in the scheme, or of any such new scheme they may so propose, and an opportunity to be heard before the Privy Council by counsel or otherwise with respect to such proposed scheme, such modifications, or such new scheme.

The scheme confirmed by such order shall come into operation on the day in that behalf in the order mentioned, or if no day is mentioned on the day of the date of the order.

Amendment of schemes.

15. A scheme for amending any previous scheme in force under this Act in any part of the United Kingdom may from time to time be submitted by the medical authorities of that part of the United Kingdom to the General Medical Council, and whether so submitted or not may be proposed by the General Medical Council to the Privy Council, and may be confirmed by the Privy Council; and the provisions of this Act respecting the notice of, and objections and representations respecting, and the confirmation, coming into operation, and effect of an original scheme, shall apply in the case of an amending scheme.

Right of appeal.

16. Each of the several medical authorities which feels itself aggrieved by any decision of the General Medical Council may within one month appeal to Her Majesty's Privy Council, upon which appeal the said medical authority, as also the General Medical Council, shall be heard before the said Privy Council, by counsel or otherwise, as they may prefer, and until such appeal be decided such decision of the General Medical Council shall have no force, but the decision of such Privy Council shall in all cases be final.

Contents of scheme.

17. A scheme for the establishment of a medical examining board shall provide, amongst other matters, for the following things; that is to say,

1. The number, appointment, duration of office, and qualification of the members of the board, and generally the constitution of the board:

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2. The admission to said board of one or two representatives (at the option of the boards sending such representatives) from the two boards in the other divisions of the Kingdom, which representatives may take an active part in the examination of the said board, and shall enjoy equal rights and privileges, including the right of voting, with the other members of the said board:

3. The powers and duties of the board and the members thereof:

4. The quorum and proceedings of the board, and the mode of certifying and attesting documents required to be certified or attested by the board:

5. The fees to be paid on admission to the examinations conducted by the board, and the repayment of any part of such fees to unsuccessful candidates:

6. The application of the income derived from such fees in paying the expenses of the examinations (including the remuneration of the members of the board) and the other expenses of the board, and of carrying the scheme into effect; and the application, on the conditions contained in the scheme, of all or any part of the surplus for the support of museums, libraries, or lectureships, under the control of any of the medical authorities, or in contributions to the public purposes of any of the medical authorities; and the application of the residue (if any) to any public purposes connected with the medical profession, or for the promotion of education in medicine and surgery; and the conditions, if any, to be complied with by any such medical authority, or by any authority under whose control such residue is applied:

7. The date at which the board are to commence their examinations, and the periods of the year at which all subsequent examinations are to be held:

8. The duration of the scheme:

9. The course of professional study to be passed through by candidates previous to the said examinations, and the general knowledge to be required of such candidates before entering upon such course:

10. The conditions of admission of candidates to the said examinations, securing that candidates rejected at any one of the examining boards shall not be permitted to present themselves again for re-examination before that board, or either of the boards in the other two divisions of the kingdom, until a period of six months shall have elapsed from the date of such rejection:

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11. The admission to such examinations on special terms, which may include the acceptance of examinations not conducted by the medical examining board, in lieu, either wholly or partly, of examinations conducted by the board, of persons who hold medical diplomas, degrees, or titles granted by any university, college, or body in any British possession or any foreign country, or who have studied in any British possession or foreign country:

12. The subjects of and method of conducting the examinations, both theoretical and practical, including examination at the bedside of the patient:

13. The exemption of such unregistered persons as may have possessed, previous to the *passing of this Act*, a medical or a surgical qualification which would have entitled them to enter their names on the medical register from further examination by the general medical examining board on such branch of their profession.

Examinations by medical examining board.

18. Each medical examining board for that part of the United Kingdom for which they act shall hold examinations in accordance with the provisions of the scheme made under this Act, and not otherwise.

Superintendence of examinations.

19. The General Medical Council shall from time to time, if they think fit, provide for the superintendence, either by themselves or by persons appointed by them, of all the examinations conducted under this Act, and shall take such steps as they may think expedient to secure the equally strict conduct of all such examinations, so that a licence under this Act may be granted on the like terms throughout the whole of the United Kingdom.

Medical Council may dissolve examining board.

20. If it appears to the General Medical Council that any medical examining board fail to act up to the scheme for the time being in force under this Act, the General Medical Council shall make an order dissolving such medical examining board, subject, however, to the right of appeal by the said examining board to the Privy Council conferred by this Act.

Application of fees.

21. All fees for examinations under this Bill shall be paid to the registrar of the Branch Medical Council for the division of the kingdom in which the examination is held, previous to the candidate being permitted to present himself for examination. Such registrar shall account for and pay over to the several medical authorities such proportions of the surplus, after defraying all such examination expenses as they may be entitled to; and all such registrars shall be remunerated for such services by such a per-centage on the gross

receipts as shall be determined upon by the respective medical authorities, subject to the approval of the General Medical Council. A.D. 1871

Licensing of persons passed by examining boards.

22. Each medical examining board shall, as soon as may be after the close of each examination held by them for the grant of licences, send to the registrar of the General Medical Council a list, certified by the board, of the names and addresses of the persons who, having passed that examination in medicine, surgery, and midwifery, are qualified for a licence to practise therein; and the registrar shall forthwith issue a licence under its seal from the General Medical Council to every such person to practise in medicine, surgery, and midwifery, and the person so licensed shall be called a licentiate in medicine, surgery, and midwifery, with the letters L. M. S. M. after his name, and shall be entitled to be registered under the principal Act; and the registrar shall not issue such licence to any person other than such as aforesaid.

Saving ancient privileges.

23. It shall be competent for each of the medical authorities after *the passing of this Act*, to examine all such candidates as may present themselves before them, and to confer on such of them as they may think fit all such degrees, diplomas, or licenses which hitherto they have been entitled to confer; but none such shall entitle their holders, unless they shall have previously passed some one examining board provided under this Act, to have their names entered on the medical register, nor shall they exempt them when they come before any of the examining boards from being tested by them on any of the subjects which shall enter into the schemes of examination of the said boards, nor shall they exempt them from paying the full amount of fees which otherwise they would have to pay for the examinations and licences of such boards.

Affiliation by medical authority by licentiates.

24. All or any of the several medical authorities in that division of the kingdom in which the candidate has obtained his title of L. M. S. M., should it so seem fit to them, may affiliate said candidate to their body, by conferring on him their lowest title, without further examination, but on the payment of such fee, not exceeding *ten pounds ten shillings* to each such medical authority, as shall be decided upon by such medical authority, subject, however, to the approval of the General Medical Council, which lowest title so conferred shall entitle its holder to the like rights and privileges which he would have enjoyed in such medical authority had it been conferred on him previous to the passing of this Act.

Registration.

Sending of lists of licentiates to registrar.

25. Each medical examining board shall, at the time that they send to the registrar of the General Medical Council a list of the

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persons who are qualified for a license to practise in medicine and surgery, send also a duplicate of such list to the registrar of the Branch Medical Council of the part of the United Kingdom for which such board acts. As soon as the said persons are licensed, the registrar of the General Medical Council shall enter in the general register under the principal Act the names and addresses of every licentiate as contained in the list sent to him, with the date of the license; and in the case of a list sent by the medical examining board for England shall enter the same in the local register for England, and in the case of a list sent by the medical examining board for Scotland or Ireland shall send to the registrar of the Branch Medical Council for Scotland or Ireland, as the case may be, a notice of the dates on which the persons named in such list have been licensed; and the last-mentioned registrar shall forthwith enter on the local register under the principal Act the name and address of every licentiate as contained in such list. The entry in the local register shall bear the date of the entry in the general register, and the general register shall show the part of the United Kingdom in which the licentiate passed his examination for a license.

Registration fee.

26. Every person who is registered under the principal Act shall pay such fee not exceeding *five pounds* as the General Medical Council may from time to time fix. No person shall be admitted to the examination of any medical examining board under this Act, after the passing of which examination he will be entitled to a licence, unless he has deposited with the treasurer of the Branch Medical Council of that part of the United Kingdom for which such board acts the amount for the time being of the fee for registration. Such fee shall be repaid to an unsuccessful candidate, and in other cases shall be applied as a registration fee is applied under the principal Act.

Registration of other qualifications.

27. It shall be competent for each registered medical practitioner to enter on the medical register, immediately under his title of licentiate in medicine, surgery, and midwifery, any other medical qualification which he may possess, without payment of any further fee than that for registration, in case he enters it or them at the time he registers his title of L. M. S. M., or on payment of a fee of *five shillings* in case he seeks to register such at any subsequent periods.

Registration of degrees in arts.

28. Subject to the provisions respecting the fees payable for registration contained in last clause, it shall be competent for any L. M. S. M. to enter upon the medical register any degree in arts

which may have been conferred upon him by any university in the British dominions legally entitled to confer same. A.D. 1871.

Bachelor of surgery.

29. The degree of bachelor of surgery conferred either before or after the *passing of this Act* by any university in the British dominions, legally entitled to confer same, shall be deemed to be one of the qualifications described in schedule A. of the Medical Act.

Degrees or diplomas in state medicine.

30. Degrees or diplomas in state medicine conferred before or after the *passing of this Act* by any medical authority legally entitled to confer the same shall be deemed to be one of the qualifications described in schedule A. of the Medical Act.

Registration of foreign and colonial practitioners.

31. Where any person proves to the General Medical Council that he holds a medical diploma granted previous to the passing of this Act in any British possession or in any foreign country, and that such diploma represents the like degree of knowledge, as tested by examination, to that which is required for obtaining a license under this Act, and entitles the holder thereof to practise medicine and surgery in the British possessions or foreign country where the same was granted, and that he is more than forty years of age, and that he has practised medicine and surgery for not less than ten years out of the United Kingdom, or, in the case of persons practising in the United Kingdom at the time of the *passing of this Act*, for not less than ten years in the United Kingdom or elsewhere, it shall be lawful for the General Medical Council to direct such person to be registered under the principal Act, without examination, but upon reasonable proof of character, and upon payment of such fee, not exceeding the ordinary fee for registration, as the General Medical Council may from time to time prescribe. The term "medical diploma," for the purposes of this section, includes every degree or title or licence or authority to practise, granted by any university, college, or body, or granted by any department or persons acting under the authority of the government of the British possession or foreign country.

Form of register.

32. The local register, and the general register, and the medical register, so far as they relate to licentiates under this Act, shall be in the form mentioned in the third schedule to this Act.

Erasure of degrees, &c. of which persons are deprived.

33. If any of the medical authorities deprive any person registered as a licentiate in pursuance of this Act of any diploma, degree, or title granted to him by such authority, such medical authority shall signify to the General Medical Council the name of the licentiate so deprived, and the General Medical Council shall

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direct the registrar forthwith to erase the name of the medical authority, and the diploma, degree, or title of which such licentiate has been deprived, from the part of the columns in the register opposite to the name of such licentiate.

34. With respect to registration, the following provisions shall have effect:

Erasure by General Medical Council and correction of register.

1. Where under the authority of the Medical Acts, 1858 to 187 , the General Medical Council, or any Branch Medical Council, direct the erasure of the name of any person from any register, the name of that person shall not be again registered in any register, except by direction of the Council which directed the erasure, or by order of a court of competent jurisdiction:
2. If the General Medical Council think fit, in any case, they may direct any registrar to restore to his register any name erased by him therefrom, and the registrar shall restore the same accordingly:
3. The name of any person which has been erased from the register at the request of such person, or with his consent, shall, unless it might, if not so erased, have been erased by order of the General Medical Council, be restored to the register, on his application, on payment of such fee, not exceeding the amount for the time being of the fee for registration, as the General Medical Council may from time to time fix:
4. Each registrar shall keep his register correct, in accordance with the provisions of the Medical Acts, 1858 to 187 , and the general regulations and special directions of the General Medical Council (whether made or given before or after the passing of this Act):
5. Each registrar shall erase from his register the name of any person deceased:
6. Each registrar shall from time to time insert in his register any alteration which may come to his knowledge in the address or legal description of any person registered:
7. In the execution of the aforesaid duties, each registrar shall act on such evidence as in each case appears to him sufficient, subject to any regulations of the General Medical Council:
8. Each registrar may erase from his register the name of any person who has ceased to practise, but not (save as hereinafter provided) without the consent of such person; and each registrar may send by post to any person registered

in his register a registered letter, addressed to that person according to his registered address, inquiring whether or not he has ceased to practise; and if the registrar does not within three months after sending such a letter receive any answer thereto from the person to whom it is sent, he may, within fourteen days after the expiration of the said period of three months, send by post to that person another registered letter, addressed to him according to his registered address, referring to the first letter, and stating that no answer thereto has been received by the registrar; and if the registrar does not within three months after sending such second letter receive any answer thereto from the person to whom it is sent, that person shall, for the purpose of the present section, be deemed to have ceased to practise, and his name may be erased accordingly.

Erasing name of practitioner from register.

35. Where any medical practitioner registered under the principal Act has, either before or after the passing of this Act, been, either before or after he is so registered, convicted in any part of Her Majesty's dominions, or in any foreign country, of any offence which if committed in England would be a felony or misdemeanor, or if committed in Scotland would be a crime and offence, or been guilty of any infamous or disgraceful conduct in any professional respect, such medical practitioner shall be liable to have his name erased from the register under the principal Act.

The General Medical Council may, and upon application of any of the medical authorities shall, cause inquiry to be made into the case of any person who is alleged to be liable to have his name erased under the provisions of this section, and on proof of such conviction or infamous or disgraceful conduct shall cause the name of such person to be erased from the register.

The name of no person shall be erased under this section on the ground of his adopting any theory of medicine or surgery.

Unregistered persons.

Penalty for unauthorised assumption of titles.

36. If any person who for gain practises either medicine or surgery, or any branch of medicine or surgery, or is engaged in the cure or treatment of diseases or injuries, and is not registered under the principal Act, or does not possess some one or other of the qualifications enumerated in schedule A. to the principal Act, as amended by the Medical Act Amendment Act, 1860, and by this Act, takes or uses any of the designations enumerated in schedule (A.) to the principal Act, as amended by this Act, or by any of the Acts in the

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first schedule mentioned, or the designation of licentiate in medicine, surgery, and midwifery, or of licentiate in medicine and surgery, or licentiate in medicine or in surgery, or in any branch of medicine or surgery, professor of medicine, professor of surgery, physician, surgeon, doctor, or any designation used to distinguish duly qualified practitioners of medicine or surgery, or any branch of medicine or surgery, or any colourable imitation of them or any of them, he shall for every such offence be liable, on summary conviction, to a penalty not exceeding *fifty pounds*:

Provided that a person shall not be liable to such penalty if he shows that he is not a British subject, and not ordinarily resident in the United Kingdom, and holds a medical diploma, degree, or title from university, college, or body in any British possession or foreign country entitled to grant the same.

If any person who for gain either practises medicine or surgery, or is engaged in the cure or treatment of diseases or injuries, wilfully takes or uses any of the above-mentioned designations to which he is not entitled, he shall for every such offence be liable, on summary conviction, to a penalty not exceeding *twenty pounds*.

If any person not registered under the principal Act gives any certificate which under the principal Act is not valid unless signed by a person registered under the principal Act, he shall be liable, on summary conviction, to a penalty not exceeding *twenty pounds*.

The General Medical Council, and also any Branch Medical Council, shall take proceedings against any person for the contravention of this section; and no prosecution for the contravention of this section shall be instituted by any private person, except with the consent of the General Medical Council or some Branch Medical Council.

Nothing in this section shall prevent any person who lawfully holds a certificate of fitness to practise as a dentist, granted by the Royal College of Surgeons of England, from taking or using the title of certified dentist, or, if he has obtained a certificate before the passing of this Act, the title of licentiate in dentistry, or impose any penalty on such person for taking or using such title.

Nothing in this section shall impose any penalty on any person engaged solely in the cure or treatment of the diseases or injuries of animals, and not of human beings.

Preliminary Examinations.

Appointment of an examining board.

37. An examining board shall be appointed for each division of the kingdom, for the purpose of testing the attainments in general knowledge of all students previous to commencing their pro-

fessional studies. This board shall be formed of examiners nominated one from each body by the several medical authorities situated in that division of the kingdom in which such board is to examine.

Board to frame a scheme for examinations.

38. This examining board shall, subject to the approval of the General Medical Council, frame a scheme for such examinations, which scheme the General Medical Council shall take care enforces a uniform standard of preliminary education on each of the examining boards in the several divisions of the kingdom.

Persons about to become students to have their names registered.

39. All persons proposing to become students, with the object of being licensed under this Act, shall, as a preliminary to their studies, cause their names to be registered by one or other of the registrars of the Branch Council of the United Kingdom; and no student shall be permitted to have his name so registered until he shall have passed the preliminary examination provided under this Act; and no student shall get credit for any certificate required by any scheme of professional education which he may produce unless such is dated subsequently to his having passed such preliminary examination.

Students producing proofs of sufficient proficiency to be exempt from preliminary examination.

40. All such students as produce proofs of such an amount of preliminary education as shall be deemed by the members of the board of preliminary examination to be equivalent to examinations conducted by that board shall be exempt from examination before this board.

Fee on preliminary examination.

41. Each student shall pay such fee for this examination as may be determined on, subject to the approval of the General Medical Council, by the several examining boards on preliminary education in each division of the kingdom.

Miscellaneous.

Validity of scheme.

42. After the expiration of three months from the date of an order confirming a scheme under this Act, such order, and the scheme therein referred to, shall be deemed to have been duly made and authorised by this Act, and the validity thereof shall not be questioned in any legal proceedings whatever.

Notices may be served by post.

43. All notices and documents required by this Act to be sent may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepaid and properly addressed and put into the post.

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Notices and documents may be in writing or in print, or partly in writing and partly in print, and may be sent addressed to the General Medical Council, or medical examining board, or the medical authority, or to some officer of such council, board, or authority, at the principal office or building belonging to such council, board, or authority.

Repeal of Acts.

44. All clauses of the Medical Act (1858), and all clauses of other Acts which are inconsistent with this Act, shall be and hereby are repealed.

FIRST SCHEDULE.

THE MEDICAL ACTS.

Year and Chapter of Act.	Title.	Short Title.
21 & 22 Vict. c. 90.	An Act to regulate the qualifications of practitioners in medicine and surgery.	The Medical Act, 1858.
22 Vict. c. 21. -	An Act to amend the Medical Act (1858).	The Medical Act, 1859.
23 & 24 Vict. c. 7. -	An Act to amend the Medical Acts -	The Medical Acts Amendment Act, 1860.
23 & 24 Vict. c. 66.	An Act to amend the Medical Act (1858).	The Colleges of Physicians Act, 1860.
25 & 26 Vict. c. 91.	An Act to incorporate the General Council of Medical Education and Registration of the United Kingdom, and for other purposes.	The Medical Act, 1862.
31 & 32 Vict. c. 29.	An Act to amend the law relating to medical practitioners in the colonies.	The Medical Act Amendment Act, 1868.

SECOND SCHEDULE.

MEDICAL AUTHORITIES.

MEDICAL AUTHORITIES IN ENGLAND.

The University of Oxford.
The University of Cambridge.
The University of Durham.
The University of London.
The Royal College of Physicians of London.
The Royal College of Surgeons of England.
The Apothecaries Society of London.

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MEDICAL AUTHORITIES IN SCOTLAND.

The University of Edinburgh.
The University of Aberdeen.
The University of Glasgow.
The University of St. Andrew's.
The Royal College of Physicians of Edinburgh.
The Royal College of Surgeons of Edinburgh.
The Faculty of Physicians and Surgeons of Glasgow.

MEDICAL AUTHORITIES IN IRELAND.

The University of Dublin.
The Queen's University in Ireland.
The King and Queen's College of Physicians in Ireland.
The Royal College of Surgeons in Ireland.
The Apothecaries Hall of Ireland.

THIRD SCHEDULE.

FORM OF REGISTER.

LICENTIATES IN MEDICINE, SURGERY, AND MIDWIFERY.

Date of Registration.	Part of United Kingdom in which examined.	Name.	Residence.	Medical Authorities and Universities (if any) with which connected.

FOURTH SCHEDULE.

VOTING PAPER.

For election of representatives of registered medical practitioners in England and Wales (*or* in Ireland *or* Scotland, *as the case may be,*) on the General Medical Council.

Signature.	Names of Candidates.	Titles.	Residence.
R. McI. -	John Brown.		
	William Robinson.		
R. McI. -	Peter Simple.		
	Paul Bedford.		
R. McI. -	Peter Wilkins.		

I, the undersigned, being a registered medical practitioner residing at do hereby vote for (the candidate) *or* (those candidates) opposite whose name *or* names I have placed my initials.

Witness,

N.B.—Should you vote for more than names in the above list your vote will be invalid.

Medical Act (1858) Amendment (No. 2).

A

B I L L

To amend the Medical Act, 1858.

(*Prepared and brought in by Mr. Brady and Mr. Haviland-Burke.*)

Ordered, by The House of Commons, *to be Printed,* 15 *March* 1871.

[Bill 73.]

Under 3 *oz.*

Merchant Shipping Acts Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preliminary.

1. Short title.
2. Construction.
3. Commencement of Act.

Registry (*Part II. of Merchant Shipping Act*, 1854).

4. Particulars to be marked on ship before registry.
5. Ship's draught of water to be recorded.
6. Name of ship.
7. Survey of ships alleged by seamen to be unseaworthy.
8. Power for naval courts to direct survey of ships.

Safety (*Part IV. of Merchant Shipping Act*, 1854).

9. In cases of collision master to give name, &c. of vessel.
10. Power for Board of Trade to declare ship unseaworthy.
11. Sending unseaworthy ship to sea, a misdemeanor.
12. Repeal of certain sections of 17 & 18 Vict. c. 104. and 18 & 19 Vict. c. 91.

A

B I L L

TO

Amend the Merchant Shipping Acts.

A.D. 1871.

WHEREAS it is expedient to amend the Merchant Shipping Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Merchant Shipping Act, 1871.

Construction.

2. This Act shall be construed as one with The Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1871.

Commencement of Act.

3. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-two.

Registry (*Part II. of Merchant Shipping Act*, 1854).

Particulars to be marked on ship before registry. 17 & 18 Vict. c. 104. ss. 25, 34. 18 & 19 Vict. c. 91. s. 13.

4. Every British ship shall, before registry, be permanently and conspicuously marked, to the satisfaction of the Commissioners of Customs, as follows; that is to say,

Her name, and the name of her port of registry, shall be marked on each of her bows and on her stern, on a dark ground in white or yellow letters, of a length not less than four inches, and of proportionate breadth and thickness.

Her official number and the number denoting her registered tonnage shall be marked on her main beam.

A scale of feet denoting her draught of water shall be marked on her stem and on her stern post, in Roman capital letters, six inches in length, the lower line of such letters to coincide with the draught line denoted thereby.

The Board of Trade may, however, exempt any class of ships from the requirements of this section, or any of them.

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If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

The marks required by this section shall be permanently continued, and no alteration shall be made therein except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Acts, 1854 to 1871. Any owner or master of a ship who neglects to keep his ship marked as aforesaid, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds; and any officer of Customs may detain a ship which is insufficiently and inaccurately marked until the insufficiency or inaccuracy has been remedied.

Ship's draught of water to be recorded.

5. The Board of Trade may, in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such particulars as the Board of Trade direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and on her stern post, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea; and such person shall thereupon make and keep such record, and shall from time to time forward the same, or a copy thereof, in such manner, to such persons, as the Board of Trade may direct; and such record, or any copy thereof, if produced by or out of the custody of such person, or of the Board of Trade, shall be admissible in evidence of the draught of water of the ship at the time specified in the record.

The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water in the official logbook (if any), and shall produce such record to any officer of Customs whenever required by him so to do, or in default of such production, shall incur a penalty not exceeding pounds.

Name of ship. 17 & 18 Vict. c. 104. s. 34.

6. With respect to the names of British ships, the following rules shall be observed:

(1.) A ship shall not be described by any name other than that by which she is for the time being registered:

(2.) No change shall be made in the name of a ship without the previous permission of the Board of Trade signified in writing under their seal, or under the hand of one of their secretaries or assistant secretaries. Upon such permission

being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern:

(3.) If in any case it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without such permission as aforesaid, they shall direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly:

(4.) Where a ship having once been registered has ceased to be so registered no person unless ignorant of such previous registry, (proof whereof shall lie on him,) shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Board of Trade granted as aforesaid.

Every person who acts or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do anything required by this section, shall for each offence incur a penalty not exceeding one hundred pounds, and any officer of Customs may detain the ship until the provisions of this section are complied with.

Application for a change of name shall be made in writing to the Board of Trade. If the Board are of opinion that the application is made on reasonable grounds they may entertain the same, and shall thereupon require notice thereof to be published in such form and manner as they think fit.

Masters and Seamen (*Part III. of Merchant Shipping Act*, 1854).

Survey of ships alleged by seamen to be unseaworthy.

7. Whenever in any proceeding against any seamen or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in such ship is insufficient, the court having cognizance of the case may, and if required by either party shall, cause such ship to be surveyed.

For the purposes of this section, the court shall require any of the surveyors appointed by the Board of Trade, under the Merchant Shipping Act, 1854, or any person appointed for the purpose by the Board of Trade, or, if such surveyor or person cannot be obtained

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without unreasonable expense or delay, an impartial surveyor appointed by the court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board of Trade, under the Merchant Shipping Act, 1854.

The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea, the costs of the survey shall be paid by the seaman or apprentice upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages of such seaman or apprentice, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, the costs of the survey shall be paid to the Board of Trade by the master or owner.

Power for naval courts to direct survey of ships. 17 & 18 Vict. c. 104. s. 263.

8. Any naval court may, if they think fit, direct a survey of any ship which is the subject of an investigation held before them, and such survey shall be made in the same way, and the surveyor who makes the same shall have the same powers, as if the survey had been directed by a competent court in the course of proceedings against a seaman or apprentice for desertion or a kindred offence.

Safety (*Part IV. of Merchant Shipping Act*, 1854).

In cases of collision master to give name, &c. of vessel. 25 & 26 Vict. c. 63. s. 33.

9. In every case of collision between two vessels it shall be the duty of the master of each vessel to give to the master of the other vessel the name of his own vessel, and of her port of registry, or of the port or place to which she belongs, and also the names of the ports or places from which and to which she is bound.

Any failure to give such information shall involve the same consequences as failure to render assistance to the other vessel, or to the master, crew, or passengers thereof.

In this section the term "vessel" includes any vessel used in navigation, however propelled.

Power for Board of Trade to declare ship unseaworthy.

10. If complaint is made to the Board of Trade that any British ship is, by reason of the defective condition of her hull or equipments, unfit to proceed to sea, the Board may cause such ship to be surveyed by one of the surveyors appointed by them, and if such surveyor report that the hull or equipments of such ship is or are in such a state that she could not proceed to sea without serious danger to human life, the Board of Trade may declare such ship to be unseaworthy, and thereupon any officer of Customs may detain such ship.

If, upon such survey, such ship is found to be seaworthy, the expenses of the survey shall be paid to the Board of Trade by the person making the complaint.

If, upon such survey, such ship is found to be unseaworthy, the expenses of the survey shall be paid to the Board of Trade by the owner of the ship.

Any shipowner who is dissatisfied with the decision of a surveyor under this section may appeal to any of the courts mentioned in this section having jurisdiction in the place where such ship was surveyed, and such court may, if they think fit, appoint one or more competent persons to survey such ship anew, and any surveyor so appointed shall have the powers of a surveyor appointed by the Board of Trade. Upon any such appeal the court may make such order as to the detention or discharge of the ship, as to the payment of any costs and damages which may have been occasioned by her detention, and as to the payment of the expenses of the original survey and of the survey anew, as to the court seems just.

The courts to which appeal may be made, shall be—

In England, any court having jurisdiction under the County Court Admiralty Jurisdiction, 1868:

In Ireland, any court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867:

In Scotland, the court of the sheriff for the county.

Sending unseaworthy ship to sea, a misdemeanor.

11. Every person who, being an owner or an agent of an owner of any British ship, sends such ship to sea in an unseaworthy state so as to endanger the life of any person belonging to or on board the same, shall be guilty of a misdemeanor unless he proves that he used all reasonable means to make and keep the ship seaworthy, and was ignorant of such unseaworthiness, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and unavoidable. A misdemeanor under this section shall not be punishable on summary conviction.

A.D. 1871.

Repeal of certain sections of 17 & 18 Vict. c. 104. and 18 & 19 Vict. c. 91.

12. On and after the first day of January one thousand eight hundred and seventy-two, the twenty-fifth, thirty-fourth, and two hundred and fourteenth sections of the Merchant Shipping Act, 1854, and the thirteenth section of the Merchant Shipping Act Amendment Act, 1855, shall be repealed.

Acts Amendment.

A

B I L L

To amend the Merchant Shipping Acts.

(Prepared and brought in by Mr. Chichester Fortescue and Mr. Arthur Peel.)

Ordered, by The House of Commons, *to be Printed,* 3 *July* 1871.

[Bill 221.] *Under* 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Merchant Shipping Acts. A.D. 1871.

WHEREAS it is expedient to amend the Merchant Shipping Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Merchant Shipping Act, 1871. Short title.

2. This Act shall be construed as one with The Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1871. Construction.

3. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-two. Commencement of Act.

Registry (*Part II. of Merchant Shipping Act*, 1854).

4. Every British ship shall, before registry, be permanently and conspicuously marked, to the satisfaction of the Commissioners of Customs, as follows; that is to say, Particulars to be marked on ship before registry. 17 & 18 Vict. c. 104. ss. 25, 34. 18 & 19 Vict. c. 91. s. 13.

Her name, and the name of her port of registry, shall be marked on each of her bows and on her stern, on a dark ground in white or yellow letters, of a length not less than four inches, and of proportionate breadth.

Her official number and the number denoting her registered tonnage shall be marked on her main beam.

A scale of feet shall be marked on her stem and on her stern post, in Roman capital letters or figures, six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby.

A.D. 1871.

The Board of Trade may, however, exempt any class of ships from the requirements of this section, or any of them.

If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

The marks required by this section shall be permanently continued, and no alteration shall be made therein except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Acts, 1854 to 1871. Any owner or master of a ship who neglects to keep his ship marked as aforesaid, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds; and any officer of Customs may detain a ship which is insufficiently and inaccurately marked until the insufficiency or inaccuracy has been remedied; provided that no fishing vessel duly registered, lettered, and numbered in pursuance of the "Sea Fisheries Act, 1868," shall be required to have her name and port of registry marked under this section.

Ship's draught of water to be recorded.

5. The Board of Trade may, in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such particulars as the Board of Trade direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and on her stern post, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea; and such person shall thereupon keep such record, and shall from time to time forward the same, or a copy thereof, to the Board of Trade; and such record, or any copy thereof, if produced by or out of the custody of the Board of Trade, shall be admissible in evidence of the draught of water of the ship at the time specified in the record.

The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water in the official logbook (if any), and shall produce such record to any officer of Customs whenever required by him so to do, or in default of such production, shall incur a penalty not exceeding pounds.

Name of ship. 17 & 18 Vict. c. 104. s. 34.

6. With respect to the names of British ships, the following rules shall be observed:

(1.) A ship shall not be described by any name other than that by which she is for the time being registered:

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(2.) No change shall be made in the name of a ship without the previous permission of the Board of Trade signified in writing under their seal, or under the hand of one of their secretaries or assistant secretaries. Upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern:

(3.) If in any case it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without such permission as aforesaid, they shall direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly:

(4.) Where a ship having once been registered has ceased to be so registered no person unless ignorant of such previous registry, (proof whereof shall lie on him,) shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Board of Trade granted as aforesaid.

Every person who acts or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do anything required by this section, shall for each offence incur a penalty not exceeding one hundred pounds, and any officer of Customs may detain the ship until the provisions of this section are complied with.

Application for a change of name shall be made in writing to the Board of Trade. If the Board are of opinion that the application is made on reasonable grounds they may entertain the same, and shall thereupon require notice thereof to be published in such form and manner as they think fit.

Masters and Seamen (*Part III. of Merchant Shipping Act*, 1854).

Survey of ships alleged by seamen to be unseaworthy.

7. Whenever in any proceeding against any seamen or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged in justification that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in such ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves con-

A.D. 1871.

cerning the truth or untruth of such allegation, and shall for that purpose receive the evidence of the seaman or apprentice making the same, and shall have power to summon any other witnesses whose evidence they may think it desirable to hear; the court shall thereupon, if satisfied that the allegation is groundless, proceed to adjudicate, but if not so satisfied shall cause such ship to be surveyed.

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification.

For the purposes of this section, the court shall require any of the surveyors appointed by the Board of Trade, under the Merchant Shipping Act, 1854, or any person appointed for the purpose by the Board of Trade, or, if such surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board of Trade, under the Merchant Shipping Act, 1854.

The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea, or, as the case may be, that the accommodation is sufficient, the costs of the survey shall be paid by the seaman or apprentice upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages of such seaman or apprentice, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, or, as the case may be, that the accommodation is insufficient, the costs of the survey shall be paid to the Board of Trade by the master or owner.

Power for naval courts to direct survey of ships. 17 & 18 Vict. c. 104. s. 263.

8. Any naval court may, if they think fit, direct a survey of any ship which is the subject of an investigation held before them, and such survey shall be made in the same way, and the surveyor who makes the same shall have the same powers, as if the survey had been directed by a competent court in the course of proceedings against a seaman or apprentice for desertion or a kindred offence.

Safety (*Part IV. of Merchant Shipping Act*, 1854).

In cases of collision master to give name, &c. of vessel. 25 & 26 Vict. c. 63. s. 33.

9. In every case of collision between two vessels it shall be the duty of the master of each vessel to give to the master of the other vessel the name of his own vessel, and of her port of registry, or of the port or place to which she belongs, and also the names of the ports or places from which and to which she is bound.

Any failure to give such information, except under circumstances which render it impossible to do so (proof of which shall lie on the master failing to give it), shall involve the same consequences as failure to render assistance to the other vessel, or to the master, crew, or passengers thereof.

In this section the term "vessel" includes any vessel used in navigation, however propelled.

Power for Board of Trade to declare ship unseaworthy.

10. If complaint is made to the Board of Trade that any British ship is, by reason of the defective condition of her hull or equipments, unfit to proceed to sea, the Board may cause such ship to be surveyed by one of the surveyors appointed by them, and if such surveyor report that the hull or equipments of such ship is or are in such a state that she could not proceed to sea without serious danger to human life, the Board of Trade may declare such ship to be unseaworthy, and thereupon any officer of Customs may detain such ship.

If, upon such survey, such ship is found to be seaworthy, the expenses of the survey shall be paid to the Board of Trade by the person making the complaint.

If, upon such survey, such ship is found to be unseaworthy, the expenses of the survey shall be paid to the Board of Trade by the owner of the ship.

Any shipowner who is dissatisfied with the decision of a surveyor under this section may appeal to any of the courts mentioned in this section having jurisdiction in the place where such ship was sur-

A.D. 1871.

veyed, and such court may, if they think fit, appoint one or more competent persons to survey such ship anew, and any surveyor so appointed shall have the powers of a surveyor appointed by the Board of Trade. Upon any such appeal the court may make such order as to the detention or discharge of the ship, as to the payment of any costs and damages which may have been occasioned by her detention, and as to the payment of the expenses of the original survey and of the survey anew, as to the court seems just.

The courts to which appeal may be made, shall be—

In England, any court having jurisdiction under the County Court Admiralty Jurisdiction, 1868:

In Ireland, any court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867:

In Scotland, the court of the sheriff for the county.

Sending unseaworthy ship to sea, a misdemeanor.

11. Every person who, having authority as owner or otherwise to send a ship to sea, sends her to sea in an unseaworthy state so as to endanger the life of any person belonging to or on board the same, shall be guilty of a misdemeanor unless he proves that he used all reasonable means to make and keep the ship seaworthy, and was ignorant of such unseaworthiness, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and unavoidable, and for this purpose he may give evidence in the same manner as any other witness. A misdemeanor under this section shall not be punishable on summary conviction.

Repeal of certain sections of 17 & 18 Vict. c. 104. and 18 & 19 Vict. c. 91.

12. On and after the first day of January one thousand eight hundred and seventy-two, the twenty-fifth and thirty-fourth sections of the Merchant Shipping Act, 1854, and the thirteenth section of the Merchant Shipping Act Amendment Act, 1855, shall be repealed.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Merchant Shipping Acts.

(*Prepared and brought in by*
Mr. Chichester Fortescue and Mr. Arthur Peel.)

Ordered, by The House of Commons, *to be Printed,*
31 *July* 1871.

[Bill 276.]

Under 1 *oz.*

Merchant Shipping Code.

SUMMARY OF BILL.

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55.	Terminable certificates of registry in colonies	31 & 32 Vict. c. 129. ss. 1, 2.
56.	Power in special cases to grant a pass to a ship not registered	17 & 18 Vict. c. 104. s. 98.
57.	Shares in shipping within the Trustee Act, 1850	18 & 19 Vict. c. 91. s. 10.
58.	Equities not excluded by this Act	25 & 26 Vict. c. 63. s. 3.
59.	Liabilities of owners	17 & 18 Vict. c. 104. s. 100.
60.	Forms of instruments, and instruction as to registry	See 17 & 18 Vict. c. 104. s. 96. 18 & 19 Vict. c. 91. s. 11.
61.	Power to registrar to dispense with declarations and other evidence	17 & 18 Vict. c. 104. s. 97.
62.	Provision for cases of infancy or other incapacity	17 & 18 Vict. c. 104. s. 99.
63.	Declarations before whom to be made	See 17 & 18 Vict. c. 104. ss. 31, 38.
64.	Indemnity to registrar	17 & 18 Vict. c. 104. s. 93.
65.	Returns to be made by registrars to Commissioners of Customs	17 & 18 Vict. c. 104. s. 94.
66.	Evidence of register book, certificate of registry, and other documents	17 & 18 Vict. c. 104. s. 107. 18 & 19 Vict. c. 91. s. 15.
67.	Inspection and copies of register books	17 & 18 Vict. c. 104. ss. 92, 107.
68.	Application of fees	17 & 18 Vict. c. 104. s. 95.
	National Character and Flag.	
69.	National character of ship to be declared before clearance	17 & 18 Vict. c. 104. ss. 19, 102.
70.	Disabilities of ship not British or not recognized as British	See 17 & 18 Vict. c. 104. ss. 18, 106.
71.	Ships unduly registered may be struck off register	17 & 18 Vict. c. 104. s. 103.
72.	Using British flag or assuming British character	17 & 18 Vict. c. 104. ss. 103–105.
73.	Assumption of foreign character	17 & 18 Vict. c. 104. s. 103.
74.	Liabilities of ships not British nor recognized as British	See 17 & 18 Vict. c. 104. ss. 18, 106.

Clauses.		Provisions of former Acts.
75.	Carrying improper colours - - -	17 & 18 Vict. c. 104. ss. 103. (1) and 105.
	Forfeiture of Ship.	
76.	Proceedings on forfeiture of ship - - -	17 & 18 Vict. c. 104. s. 103.
77.	Protection of officers seizing and detaining -	17 & 18 Vict. c. 104. s. 104.
	Registrars.	
78.	Registrars of British ships - - -	See 17 & 18 Vict. c. 104. ss. 30, 31. 32 & 33 Vict. c. 11. s. 6.
79.	Foreign ports of registry.	
	Forgery and False Declarations.	
80.	Forgery of documents - - - -	17 & 18 Vict. c. 104. s. 101.
81.	False declarations - - - -	17 & 18 Vict. c. 104. s. 41. 17 & 18 Vict. c. 104. s. 52.
	Measurement of Ship and Tonnage.	
82.	Gross register tonnage - - - -	17 & 18 Vict. c. 104. ss. 20–24.
83.	Net register tonnage - - - -	17 & 18 Vict. c. 104. ss. 20–24.
84.	Tonnage when once ascertained to be ever after deemed the tonnage - - - - -	17 & 18 Vict. c. 104. s. 26.
85.	Ships of foreign countries adopting tonnage regulations of Act need not be remeasured - -	25 & 26 Vict. c. 63. s. 60.
86.	Remeasurement of ships registered before Act -	17 & 18 Vict. c. 104. s. 27.
87.	Penalty on carrying cargo or passengers in space deducted from tonnage.	
88.	Surveyors and regulations for measurement of ships	17 & 18 Vict. c. 104. s. 29.
89.	Meaning of register tonnage in relation to dues.	
	Stamps.	
90.	Exemption from stamp duty - - -	17 & 18 Vict. c. 104. s. 9.
	Colonies.	
91.	Regulation of coasting trade by colonial legislature	32 & 33 Vict. c. 11. s. 4.
92.	Governors to occupy place of Commissioners of Customs in colonies - - - -	See 18 & 19 Vict. c. 96. s. 16.
	SCHEDULES.	

PART II.

Masters and Seamen Act.

Clauses.		Provisions of former Acts.
	Preliminary.	
93.	Short title.	
94.	Incorporation of certain sections of General Provisions Act.	
	Certificates of Competency.	
95.	Certificates of competency to be granted.	
96.	Examinations to be held - - - - -	17 & 18 Vict. c. 104. ss. 131, 132.
97.	Fees to be paid by applicants for examination -	17 & 18 Vict. c. 104. s. 133.
98.	Grant of certificates on passing examination -	17 & 18 Vict. c. 104. s. 134.
99.	Certificates for foreign-going ships available for coasting passenger ships - - -	17 & 18 Vict. c. 104. s. 137.
100.	Form and record of certificate - - -	17 & 18 Vict. c. 104. s. 138.
101.	In case of loss a copy to be granted - -	17 & 18 Vict. c. 104. s. 139. 25 & 26 Vict. c. 63. s. 10.
102.	Board of Trade may license pilots to act as masters or mates.	
103.	Colonial certificates to masters, mates, and engineers - - - - - -	32 & 33 Vict. c. 11. s. 8. 17 & 18 Vict. c. 104. s. 131. et seq. 25 & 26 Vict. c. 63. s. 5. et seq.
104.	Officers of certain ships how to be qualified -	17 & 18 Vict. c. 104. s. 136.
105.	Production of certificates of competency to superintendent of mercantile marine office - -	17 & 18 Vict. c. 104. ss. 161 & 162.
	Apprenticeship to the Sea Service.	
106.	Indentures of apprenticeship to the sea service -	17 & 18 Vict. c. 104. ss. 142 & 143.
107.	Fees to superintendents - - - -	17 & 18 Vict. c. 104. s. 141.
108.	Rules for apprenticeships of paupers in Great Britain and Ireland - - - -	17 & 18 Vict. c. 104. ss. 142 & 144.
109.	Indentures to be produced to superintendent before voyage in foreign-going ship - -	17 & 18 Vict. c. 104. s. 145.

Clauses.		Provisions of former Acts.
	Licenses to supply Seamen.	
110.	License of persons to procure seamen - -	17 & 18 Vict. c. 104. ss. 146 & 147. 25 & 26 Vict. c. 63. s. 13.
111.	Penalty for receiving remuneration from seamen, &c. - - - - - -	17 & 18 Vict. c. 104. s. 148.
	Agreements with Seamen.	
112.	Agreements with seamen - - -	17 & 18 Vict. c. 104. ss. 149 & 157.
113.	Form and conditions of agreement - -	17 & 18 Vict. c. 104. ss. 149–151.
114.	Agreements in the United Kingdom to join ship abroad - - - - -	17 & 18 Vict. c. 104. s. 156.
115.	Changes in crew to be reported - - -	17 & 18 Vict. c. 104. s. 158.
116.	Engagement of seamen in the colonies - -	17 & 18 Vict. c. 104. s. 159.
117.	Engagement of seamen at foreign port - -	17 & 18 Vict. c. 104. s. 160.
118.	Endorsement of agreement in colonies and at foreign port - - - - -	17 & 18 Vict. c. 104. ss. 159, 160.
119.	Alterations in agreement - - -	17 & 18 Vict. c. 104. s. 163.
120.	Seamen not to be bound to produce agreement -	17 & 18 Vict. c. 104. s. 165.
121.	Copy of agreement to be made accessible to crew	17 & 18 Vict. c. 104. s. 166.
122.	Agreements with lascars - - - -	18 & 19 Vict. c. 91. s. 23. 4 G. 4. c. 80.
	Discharge of Seamen.	
123.	Discharge before superintendent - - - - -	17 & 18 Vict. c. 104. ss. 170, 172, 176.
124.	Power for court to determine seaman's engagement.	
125.	Inquiry into cause of death on board - -	17 & 18 Vict. c. 104. s. 269.
	Allotment and Advance of Wages.	
126.	Regulations as to allotment notes - - -	17 & 18 Vict. c. 104. s. 168.
127.	Right of suing on allotment notes - -	17 & 18 Vict. c. 104. s. 169.
128.	Authentication of allotment note.	
129.	Advance not to exceed one month's wages.	

Clauses.		Provisions of former Acts.
	Payment of Wages.	
130.	Master to deliver account of wages	17 & 18 Vict. c. 104. s. 171.
131.	Time of payment and effect of nonpayment of wages.	
132.	Settlement of wages	17 & 18 Vict. c. 104. s. 175.
133.	Superintendents may decide questions which parties refer to them	17 & 18 Vict. c. 104. s. 173.
134.	Master and others to produce ship's papers to superintendent	17 & 18 Vict. c. 104. s. 174.
135.	Deposit of wages with superintendent.	
	Legal Rights to Wages.—Compensation.	
136.	Right to wages, &c. when to begin	17 & 18 Vict. c. 104. s. 181.
137.	Right to recover wages and salvage not to be forfeited	17 & 18 Vict. c. 104. s. 182.
138.	Wages not to depend on freight	17 & 18 Vict. c. 104. s. 183.
139.	Wages on termination of service by wreck or illness	17 & 18 Vict. c. 104. s. 185.
140.	Deduction from wages of mate for negligence.	
141.	Forfeiture of wages, &c. of seamen when illness caused by his own default	30 & 31 Vict. c. 124. s. 8.
142.	Costs of procuring imprisonment may be deducted from wages	17 & 18 Vict. c. 104. s. 251.
143.	Compensation to seamen improperly discharged	17 & 18 Vict. c. 104. s. 167.
144.	Sale of and charge upon wages to be invalid	17 & 18 Vict. c. 104. s. 233.
	Mode of recovering Wages.	
145.	Summary proceedings for wages	17 & 18 Vict. c. 104. s. 188.
146.	Restrictions on suits for wages	See 17 & 18 Vict. c. 104. s. 189.
147.	Share of profits may be recovered as wages.	
148.	Master to have same remedies for wages as seamen	17 & 18 Vict c. 104. s. 191.
149.	General powers of court with respect to wages, &c.	17 & 18 Vict. c. 104. s. 191.
	Wages and Effects of deceased Seamen.	
150.	Effects and wages of seamen who die during voyage	17 & 18 Vict. c. 104. s. 194.
151.	Dealing with and account of effects of seamen who die during voyage	17 & 18 Vict. c. 104. ss. 194, 195, and 196.
152.	Effects abroad not on board ship	17 & 18 Vict. c. 104. s. 197. 25 & 26 Vict. c. 63. s. 20.

Clauses.		Provisions of former Acts.
153.	Recovery of wages, &c. of seamen lost with their ship	25 & 26 Vict. c. 63. s. 21.
154.	Wages of seamen dying abroad	17 & 18 Vict. c. 104. s. 184.
155.	Wages and effects of seamen dying at home	17 & 18 Vict. c. 104. s. 198.
156.	Payment over of property of deceased seamen	17 & 18 Vict. c. 104. s. 199.
157.	Rejection by Board of Trade of wills made by seamen	17 & 18 Vict. c. 104. s. 200.
158.	Provision for payment of just claims by creditors, and for preventing fraudulent claims	17 & 18 Vict. c. 104. s. 201.
159.	Discharge of Board of Trade.	
160.	Mode of dealing with unclaimed wages of deceased seamen	17 & 18 Vict. c. 104. s. 202.
161.	Property of seamen discharged from Royal Navy	17 & 18 Vict. c. 104. s. 204.

Remittance of Wages, and Savings Banks for Seamen.

162.	Remittance of seamen's wages	17 & 18 Vict. c. 104. s. 177.
163.	Board of Trade may make regulations concerning money orders	17 & 18 Vict. c. 104. s. 171.
164.	Power to pay when order is lost	17 & 18 Vict. c. 104. s. 178.
165.	Penalty for issuing money orders with fraudulent intent	17 & 18 Vict. c. 104. s. 179.
166.	Power for Board of Trade to establish savings banks	19 & 20 Vict. c. 41. s. 1.
167.	Power to constitute mercantile marine offices branch savings banks	19 & 20 Vict. c. 41. s. 2.
168.	Commissioners for the Reduction of the National Debt to receive deposits, &c.	19 & 20 Vict. c. 41. s. 3.
169.	Board of Trade to make regulations for conduct of savings banks	19 & 20 Vict. c. 41. s. 4.
170.	Application of deposits of deceased depositor	19 & 20 Vict. c. 41. s. 5.
171.	Expenses of savings banks how to be defrayed	19 & 20 Vict. c. 41. s. 7.
172.	Accounts and copy of regulations to be laid before Parliament	19 & 20 Vict. c. 41. s. 8.
173.	Public officers to be exempt from legal proceedings, except in case of wilful default	17 & 18 Vict. c. 104. s. 177. 19 & 20 Vict. c. 41. s. 4.
174.	Enactments concerning savings banks, &c. to apply to seamen in the navy	18 & 19 Vict. c. 91. s. 17.

Reimbursement out of Wages of Relief to Seamen's Families.

175.	Relief to seamen's families to be chargeable on a certain proportion of their wages	17 & 18 Vict. c. 104. s. 192.
176.	Notice to owner, and enforcement of charge	17 & 18 Vict. c. 104. s. 193.

Clauses.		Provisions of former Acts.
	Destitute Foreign Seamen.	
177.	Penalty on masters of ships leaving certain seamen in distress in this country - - -	17 & 18 Vict. c. 120. s. 16.
178.	Relief of destitute lascars - - - - -	18 & 19 Vict. c. 91. s. 22.
	Discharge of Seamen abroad.	
179.	Seamen not to be discharged or left abroad unless certificate obtained - - - - -	17 & 18 Vict. c. 104. ss. 205–213.
180.	Persons to give certificates - - -	*Ib.*
181.	Conditions of obtaining certificate - - -	*Ib.*
182.	Cases in which no money is to be deposited for maintenance and return passage - - -	*Ib.*
183.	Persons who grant certificates to decide on adequacy of employment or return passage -	*Ib.*
184.	Application of wages of seamen left abroad on ground of desertion - - - - - -	*Ib.*
185.	Indorsement of certificate on ship's agreement -	*Ib.*
186.	Amount to be paid for expenses of seamen left abroad - - - - - - - -	*Ib.*
187.	Expenses of maintenance, &c. to be a charge on the ship - - - - -	*Ib.*
188.	Where a seaman is discharged for his misconduct, expenses of his maintenance may be deducted from wages - - - - -	*Ib.*
189.	Payment of seamen's wages to be in cash where practicable - - - - -	*Ib.*
190.	Accounts of expenses of seamen relieved - -	17 & 18 Vict. c. 104. s. 210.
191.	Discharge of seamen abroad to be conducted in same manner as in the United Kingdom.	
	Distressed Seamen.	
192.	Distressed seamen found abroad may be relieved and sent home at the public expense - -	17 & 18 Vict. c. 104. s. 211. 18 & 19 Vict. c. 91. s. 16. 25 & 26 Vict. c. 63. s. 22.
193.	Masters of ships compelled to take seamen -	17 & 18 Vict. c. 104. s. 212.
194.	Expenses of relief of distressed seamen - -	17 & 18 Vict. c. 104. s. 213. 18 & 19 Vict. c. 91. s. 16.
	Volunteering into the Navy.	
195.	Power by Order in Council to authorise volunteering of merchant seamen into the navy.	

Clauses.		Provisions of former Acts.
196.	Seamen allowed to leave their ships in order to enter the navy	17 & 18 Vict. c. 104. s. 214.
197.	Clothes and wages of seamen volunteering into navy	17 & 18 Vict. c. 104. s. 215.
198.	Regulations in schedule with regard to wages of seamen received into navy.	
	Provisions, Health, and Accommodation.	
199.	Provisions and water to be sufficient and good	17 & 18 Vict. c. 104. ss. 221, 222. 30 & 31 Vict. c. 124. s. 4.
200.	Regulations respecting medicines, anti-scorbutics, &c.	30 & 31 Vict. c. 124. s. 4.
201.	Allowance for short or bad provisions	17 & 18 Vict. c. 104. s. 223.
202.	Sale of medicines, &c. of bad quality	30 & 31 Vict. c. 124. s. 5.
203.	Power to governors, &c. to make regulations as to supply of lime or lemon juice, &c.	30 & 31 Vict. c. 124. s. 6.
204.	Masters to keep weights and measures on board	17 & 18 Vict. c. 104. s. 225.
205.	Expenses of medical attendance in case of illness	17 & 18 Vict. c. 104. s. 228. 30 & 31 Vict. c. 124. s. 7.
206.	Recovery of expenses from owner	17 & 18 Vict. c. 104. s. 229. 30 & 31 Vict. c. 124. s. 7.
207.	Certain ships to carry medical practitioners	17 & 18 Vict. c. 104. s. 230.
208.	Accommodation for seamen	30 & 31 Vict. c. 124. s. 9.
209.	Governors of British possessions may appoint surveyors	31 & 32 Vict. c. 129. s. 3.
	Power of making Complaint.	
210.	Power for seamen to make complaint	See 17 & 18 Vict. c. 104. s. 232.
	Protection of Seamen from Imposition.	
211.	Sale of salvage invalid	17 & 18 Vict. c. 104. s. 233.
212.	No debt exceeding 5*s.* recoverable till end of voyage	17 & 18 Vict. c. 104. s. 234.
213.	Penalty for overcharges by lodging-house keepers	17 & 18 Vict. c. 104. s. 235.
214.	Penalty for detaining seamen's effects	17 & 18 Vict. c. 104. s. 236.
215.	Penalty for detaining certificate.	
216.	Unauthorized persons not to go on board ship without permission	See 17 & 18 Vict. c. 104. s. 237.
217.	Penalty for solicitations by lodging-house keepers	17 & 18 Vict. c. 104. s. 238.
	Inquiries into Incompetency or Misconduct of Officers.	
218.	Inquiry into the incompetency or misconduct of a master or officer	See 17 & 18 Vict. c. 104. ss. 241 and 438, and 25 & 26 Vict. c. 63. ss. 23 and 24.

Clauses.		Provisions of former Acts.
219.	Conduct of inquiry.	
220.	Restoration of certificate by Board of Trade -	17 & 18 Vict. c. 104. ss. 241, 263, and 438.
221.	Special assessors - - - - -	17 & 18 Vict. c. 104. s. 434. 25 & 26 Vict. c. 63. s. 23.
222.	Power of court to compel attendance of witnesses, &c.	
223.	Costs and expenses of inquiry.	
224.	Compensation, &c. payable by Board of Trade.	
225.	Board of Trade may suspend or cancel certificate of officer convicted of any offence - -	17 & 18 Vict. c. 104. s. 242.
226.	Removal of master by Admiralty Court -	17 & 18 Vict c. 104. s. 240.

Offences of Seamen.

227.	Mutinous conduct - - - - -	11 & 12 W. 3. c. 7. s. 9. 17 & 18 Vict. c. 104. s. 243.
228.	Desertion and kindred offences - - -	17 & 18 Vict. c. 104. ss. 243, 246, 247, & 248.
229.	Quitting ship without leave, disobedience, and assault on officers - - - -	17 & 18 Vict. c. 104. s. 243.
230.	Wilful damage and embezzlement by seamen -	17 & 18 Vict. c. 104. s. 243.
231.	Liability of seaman for loss to owner caused by smuggling - - - - - -	17 & 18 Vict. c. 104. s. 203.
232.	Penalty for false statement as to last ship or name - - - - - - - -	17 & 18 Vict. c. 104. s. 255.
233.	Entry of offences in official log - - -	17 & 18 Vict. c. 104. ss. 244, 256.
234.	Survey of ships alleged by seamen to be unseaworthy.	
235.	Sending on board of seaman imprisoned for breach of discipline - - - - - -	17 & 18 Vict. c. 104. s. 248.
236.	Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence -	17 & 18 Vict. c. 104. s. 249.
237.	Facilities for proving desertion, so far as concerns forfeiture of wages - - - - -	17 & 18 Vict. c. 104. s. 250.
238.	Application of forfeitures - - - -	17 & 18 Vict. c. 104. s. 253.
239.	Questions of forfeiture may be decided in suits for wages - - - - - - -	17 & 18 Vict. c. 104. s. 254.
240.	Mode of ascertaining forfeiture out of wages -	17 & 18 Vict. c. 104. s. 252.
241.	Deduction from wages, and payments to superintendents, &c. of fines - - - - -	17 & 18 Vict. c. 104. s. 256.
242.	Penalty for enticing to desert and harbouring deserters - - - - - -	17 & 18 Vict. c. 104. s. 257.

Clauses.		Provisions of former Acts.
243.	Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline	17 & 18 Vict. c. 104. s. 245.
244.	Penalty for obtaining passage surreptitiously -	17 & 18 Vict. c. 104. s. 258.
	Naval Courts on the High Seas and abroad.	
245.	Naval courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad - - - - - - -	17 & 18 Vict. c. 104. s. 260.
246.	Constitution of naval courts - - -	17 & 18 Vict. c. 104. s. 261.
247.	Functions of naval courts - - - -	17 & 18 Vict. c. 104. s. 262.
248.	Powers of naval courts - - - -	17 & 18 Vict. c. 104. s. 263.
249.	Orders to be entered in official log - -	17 & 18 Vict. c. 104. s. 264.
250.	Report to be made of proceedings of naval courts	17 & 18 Vict. c. 104. s. 265.
251.	Penalty for preventing complaint or obstructing investigation - - - - - -	17 & 18 Vict. c. 104. s. 266.
252.	Power for Board of Trade to remit penalties.	
	Official Logs.	
253.	Official logs to be kept in the prescribed form -	17 & 18 Vict. c. 104. ss. 280, 281, & 285. 25 & 26 Vict. c. 63. s. 13.
254.	Entries required in official log - - -	17 & 18 Vict. c. 104. ss. 282 and 285.
255.	Entries how to be signed - - -	17 & 18 Vict. c. 104. s. 283.
256.	Entries to be evidence - - - -	17 & 18 Vict. c. 104. s. 285.
257.	Penalties in respect of official logs - -	17 & 18 Vict. c. 104. s. 285.
258.	Delivery of official logs to superintendent of mercantile marine office - - - -	17 & 18 Vict. c. 104. ss. 172 and 286.
259.	Official logs to be sent home in case of transfer of ship, and in case of loss - - -	17 & 18 Vict. c. 104. s. 287.
	Local Marine Boards.	
260.	Continuance of local marine boards - -	17 & 18 Vict. c. 104. s. 110.
261.	Control of Board of Trade over local marine board	17 & 18 Vict. c. 104. ss. 119, 120, and 121.
	Mercantile Marine Offices.	
262.	Establishment of mercantile marine offices -	17 & 18 Vict. c. 104. ss. 122, 128, & 129.
263.	Control of mercantile marine offices by Board of Trade or local marine board - - -	17 & 18 Vict. c. 104. ss. 122, 123, & 129.

Clauses.		Provisions of former Acts.
264.	Business of mercantile marine office may be carried on at custom houses - - -	17 & 18 Vict. c. 104. s. 128.
265.	Board of Trade may make byelaws for preserving order in mercantile marine offices.	
266.	Fees at mercantile marine office - -	17 & 18 Vict. c. 104. ss. 125, 126, 127, & 141.
267.	Business of mercantile marine office - -	17 & 18 Vict. c. 104. ss. 124, 128, & 130.
268.	Board of Trade may dispense with certain matters to be done at mercantile marine offices - -	17 & 18 Vict. c. 104. s. 130.
	Registration of and Returns respecting Seamen.	
269.	Establishment of register office - -	17 & 18 Vict. c. 104. s. 271.
270.	Returns of masters of ships - - - -	17 & 18 Vict. c. 104. ss. 273, 274. 6 & 7 Will. 4. c. 86. ss. 21, 26. 17 & 18 Vict. c. 80. ss. 30, 43. 26 & 27 Vict. c. 11. ss. 39, 40.
271.	Lists to be delivered by coasting ships half-yearly	17 & 18 Vict. c. 104. s. 275.
272.	Certificate of delivery of returns - -	17 & 18 Vict. c. 104. ss. 109, 274, & 275.
273.	Return in case of transfer or loss of ship.	
274.	Superintendents and other officers to transmit documents to registrar - - - -	17 & 18 Vict. c. 104. s. 277.
275.	Deposit of documents at foreign ports and in colonies - - - - - -	17 & 18 Vict. c. 104. s. 279. 25 & 26 Vict. c. 63. s. 13.
276.	Documents to be handed over to successor on change of master - - - - -	17 & 18 Vict. c. 104. s. 259.
	Fees.	
277.	Fees to be carried to Mercantile Marine Fund.	
	Forgery and False Declarations.	
278.	Forgery of documents as to seamen's wages and savings banks - - - - - -	17 & 18 Vict. c. 104. s. 203.
279.	Forgery of documents and marks - -	17 & 18 Vict. c. 104. ss. 10, 140, 164, 176, 220, 284.
280.	False declarations - - - -	17 & 18 Vict. c. 104. ss. 203, 220.

Clauses.		Provisions of former Acts.
	Forms and Instruments.	
281.	Board of Trade to issue forms of instruments -	17 & 18 Vict. c. 104. ss. 8 & 10.
282.	Returns and production of books, &c. to Board of Trade - - - - -	17 & 18 Vict. c. 104. s. 12.
	Power of Officers to inspect Ship's Documents, &c.	
283.	Power for officers of Board of Trade, naval officers, consuls, &c. to inspect documents, muster crews, &c. - - - - - -	17 & 18 Vict. c. 104. s. 13.
	Miscellaneous.	
284.	Corporations, &c. may grant sites for sailors homes	17 & 18 Vict. c. 104. s. 546.
285.	Exemption from stamp duty - - -	17 & 18 Vict. c. 104. s. 9.
	Application of Act.	
286.	Exemption of certain ships - - -	17 & 18 Vict. c. 104. s. 109.
287.	Engagement of seamen by exempted vessels.	
288.	Exemption of Her Majesty's ships. Saving of jurisdiction of a British possession - -	17 & 18 Vict. c. 104. s. 4.
289.	Application of Act to British possession by legislature - - - - -	17 & 18 Vict. c. 104. ss. 288, 289.
	Application of Act to Foreign Ships.	
290.	Her Majesty may, by Order in Council, apply this part to foreign ships.	

SCHEDULES.

PART III.

Passengers Act.

Clauses.		Provisions of former Acts.
	Preliminary.	
291.	Short title.	
292.	Incorporation of certain sections of General Provisions Act.	
293.	Definitions.	
	Survey of Passenger Steamers.	
294.	Passenger steamers to be annually surveyed -	17 & 18 Vict. c. 104. ss. 304, 318.
295.	Mode of survey and declaration of survey -	17 & 18 Vict. c. 104. ss. 309, 310, 314.
296.	Board of Trade to issue certificate - -	17 & 18 Vict. c. 104. ss. 312, 313.
297.	Continuance of certificates - - -	17 & 18 Vict. c. 104. s. 315.
298.	Cancellation of certificate - - -	17 & 18 Vict. c. 104. s. 316.
299.	Delivery up of certificate - - -	17 & 18 Vict. c. 104. s. 315.
300.	Posting up of certificates of number of passengers	17 & 18 Vict. c. 104. s. 317.
301.	Passengers in excess - - - -	17 & 18 Vict. c. 104. s. 319.
	Keeping Order in Passenger Steamers.	
302.	Power to exclude and remove disorderly passengers - - - - - - -	17 & 18 Vict. c. 104. s. 325.
303.	Offences in connexion with passenger steamers -	25 & 26 Vict. c. 63. ss. 35, 36, 37.
	Survey of Emigrant Ships.	
304.	Preliminary survey of emigrant ship - - -	18 & 19 Vict. c. 119. ss. 19, 98.
305.	Appeal against preliminary survey - - -	18 & 19 Vict. c. 119. s. 19.
306.	Unseaworthy passenger ship not to carry passengers as short ship.	
307.	Steam emigrant ships to be provided with adequate sailing gear.	
308.	Passengers not to be shipped before completion of survey and stowage of cargo.	
	Equipments.	
309.	Equipments - - - - - -	18 & 19 Vict. c. 119. s. 27.

Clauses.		Provisions of former Acts.
	Accommodation for Passengers.	
310.	Accommodation for passengers - - -	18 & 19 Vict. c. 119. ss. 13, 14, 20–26.
	Provisions, Water, and Medical Comforts.	
311.	Supply of provisions and water - - -	18 & 19 Vict. c. 119. s. 31.
312.	Mode of carrying water - - - -	18 & 19 Vict. c. 119. s. 33.
313.	Distilling apparatus.	
314.	Provision for touching at intermediate ports to take in water - - - - -	18 & 19 Vict. c. 119. s. 34.
315.	Medical comforts - - - -	18 & 19 Vict. c. 119. s. 43.
316.	Power of emigration officer to reject bad provisions and water - - - -	18 & 19 Vict. c. 119. s. 32.
317.	Issue of provisions during voyage - -	18 & 19 Vict. c. 119. ss. 35, 36. 26 & 27 Vict. c. 51. ss. 9, 10.
318.	Sale of medicines, &c. of bad quality - -	23 & 24 Vict. c. 84.
	Dangerous Goods, and Carriage of Cattle.	
319.	Regulations as to dangerous and noxious goods, and as to the carriage of horses and cattle -	18 & 19 Vict. c. 119. s. 29. 26 & 27 Vict. c. 51. s. 8. 33 & 34 Vict. c. 95.
	Manning and Staff.	
320.	Manning and staff - - - - -	18 & 19 Vict. c. 119. ss. 28, 38–42.
	Medical Inspection of Passengers.	
321.	Medical inspection of passengers - -	18 & 19 Vict. c. 119. s. 44.
322.	Relanding of persons for sanitary reasons -	18 & 19 Vict. c. 119. s. 45.
323.	Return of passage money to passengers relanded on account of sickness - - - -	18 & 19 Vict. c. 119. s. 46. 26 & 27 Vict. c. 51. s. 11.
324.	Subsistence money to be paid to passengers relanded.	18 & 19 Vict. c. 119. s. 47.
	Master's Bond.	
325.	Bond to be given by master of passenger ship -	18 & 19 Vict. c. 119. s. 63.
326.	Evidence of bond - - - - -	18 & 19 Vict. c. 119. s. 64.
327.	Special provision as to bond in cases where neither owner nor charterer reside in British islands - - - - -	26 & 27 Vict. c. 51. s. 17.

Clauses.		Provisions of former Acts.
	Passengers Lists.	
328.	Passengers lists - - - - -	18 & 19 Vict. c. 119. s. 16. 26 & 27 Vict. c. 51. s. 6.
329.	Lists of passengers embarked after clearance -	18 & 19 Vict. c. 119. s. 17. 26 & 27 Vict. c. 51. s. 6.
330.	Penalty on persons found on board ship without consent of owner - - - -	18 & 19 Vict. c. 119. s. 18. 26 & 27 Vict. c. 51. s. 7.
	Certificate of Clearance.	
331.	Certificate of clearance - - - -	18 & 19 Vict. c. 119. ss. 11, 31.
332.	Facilities to be given for the inspection of ships - - - - - -	18 & 19 Vict. c. 119. s. 10.
333.	Ships putting back to replenish provisions, &c. -	18 & 19 Vict. c. 119. s. 50.
334.	Ships putting back to be reported to emigration officer - - - - -	18 & 19 Vict. c. 119. s. 50.
335.	Forfeiture of ship proceeding to sea without certificate of clearance, &c. - - -	26 & 27 Vict. c. 51. s. 13.
	Passengers Contracts.	
336.	Contract tickets for passengers - - -	18 & 19 Vict. c. 119. s. 71.
337.	Summary remedy for breach of contract -	18 & 19 Vict. c. 119. s. 73.
338.	Penalty for failure to produce contract ticket -	18 & 19 Vict. c. 119. s. 74.
339.	Penalty for altering or inducing any one to part with contract ticket - - - -	18 & 19 Vict. c. 119. s. 72.
	Health and Discipline.	
340.	Power for Her Majesty by Order in Council to make sanitary and other regulations - -	18 & 19 Vict. c. 119. s. 59.
341.	Discipline on board - - - -	18 & 19 Vict. c. 119. s. 60.
342.	Crew not to visit passengers part of ship without leave.	
343.	Sale of spirits prohibited on emigrant ships -	18 & 19 Vict. c. 119. s. 62.
	Maintenance after Arrival.	
344.	Passengers to be maintained for 24 hours after arrival - - - - - -	18 & 19 Vict. c. 119. s. 57.
	Detention and Wrongful Landing of Passengers.	
345.	Return of passage money and compensation to passengers when passage not provided according to contract - - - - -	18 & 19 Vict. c. 119. s. 48.
346.	Subsistence in case of detention - -	18 & 19 Vict. c. 119. s. 49.
347.	Penalty on wrongfully landing passengers -	18 & 19 Vict. c. 119. s. 56.

Clauses.		Provisions of former Acts.
	Provisions in case of Wreck.	
348.	Wreck or damage in or near British islands -	26 & 27 Vict. c. 51. s. 14.
349.	Expenses of rescue and conveyance of wrecked passengers - - - - - -	18 & 19 Vict. c. 119. s. 52.
350.	Governors or consuls may send on passengers if the master of the ship fail to do so - -	26 & 27 Vict. c. 51. ss. 15, 16.
351.	Expenses incurred in conveying wrecked passengers and forwarding passengers to be a debt due to the Crown - - -	26 & 27 Vict. c. 51. s. 16.
352.	Insurance of passage money not to be void on account of the nature of the risk - -	18 & 19 Vict. c. 119. s. 55.
	Voyages to the British Islands.	
353.	List of passengers brought to the British islands	18 & 19 Vict. c. 119. s. 100.
354.	Penalty for having on board excessive number of persons - - - - -	18 & 19 Vict. c. 119. s. 101.
355.	Provisions and water in ships carrying passengers to the British islands - -	18 & 19 Vict. c. 119. s. 102.
	Saving of Passengers Rights.	
356.	Passengers right of action saved - -	18 & 19 Vict. c. 119. s. 58.
	Passage Brokers.	
357.	Passage brokers to enter into bond and obtain license - - - - - -	18 & 19 Vict. c. 119. s. 66.
358.	Notice of intended appplication for license -	18 & 19 Vict. c. 119. s. 67.
359.	Granting of licenses to passage brokers - -	18 & 19 Vict. c. 119. s. 67.
360.	Forfeiture of license - - - -	18 & 19 Vict. c. 119. s. 67.
361.	Passage brokers may appoint agents - -	18 & 19 Vict. c. 119. ss. 66, 69.
362.	List of agents and runners to be exhibited by brokers, and sent to emigration officers -	18 & 19 Vict. c. 119. s. 81.
363.	Passage brokers not to sell or let passages without authority of owner or charterer.	
	Emigrant Runners.	
364.	Emigrant runners to obtain licenses - -	18 & 19 Vict. c. 119. ss. 76, 77.
365.	Emigrant runners to be registered, and obtain and wear badges - - - - -	18 & 19 Vict. c. 119. ss. 75, 76, 77.
366.	Renewal of license - - - -	18 & 19 Vict. c. 119. s. 77.
367.	Renewal of badge - - - -	18 & 19 Vict. c. 119. s. 79.
368.	Forfeiture of emigrant runner's license - -	18 & 19 Vict. c. 119. s. 77.

Clauses.		Provisions of former Acts.
369.	Penalties on persons acting without license or badge, using badge not lawfully issued, or employing unlicensed person - -	18 & 19 Vict. c. 119. ss. 75, 78.
370.	Penalties on emigrant runners for certain acts of misconduct - - - - - -	18 & 19 Vict. c. 119. s. 78.
371.	Emigrant runners commission - - -	18 & 19 Vict. c. 119. s. 80.
372.	Emigrant runners not to take fees from emigrants - - - - - -	18 & 19 Vict. c. 119. s. 73.
373.	Penalty on persons fraudulently inducing others to engage passages - - - - -	18 & 19 Vict. c. 119. s. 70.
	Emigration Commissioners and Emigration Officers.	
374.	Appointment and title of Emigration Commissioners - - - - - -	18 & 19 Vict. c. 119. s. 6.
375.	Actions and suits by and against Emigration Commissioners - - - - - -	18 & 19 Vict. c. 119. s. 7.
376.	Appointment of emigration officers and assistants	18 & 19 Vict. c. 119. s. 8.
377.	Powers of emigration officers.	
378.	Duties of emigration officer may be performed by his assistant or by officer of customs -	17 & 18 Vict. c. 119. s. 9.
	Legal Proceedings.	
379.	Passage and subsistence money, compensation and damages, how to be sued for - -	18 & 19 Vict. c. 119. s. 84.
380.	Penalties, how to be sued for - - -	18 & 19 Vict. c. 119. s. 84.
381.	Emigration officers may conduct cases.	
382.	In the absence of agreement to the contrary, the owner to be responsible in respect of default - - - - - -	18 & 19 Vict. c. 119. s. 65.
	Forms and Instruments.	
383.	Documents to be in prescribed forms.	
384.	Emigration Commissioners may issue forms -	*See* 18 & 19 Vict. c. 119. s. 83.
385.	Unlawfully supplying documents.	
	Forgery and False Declarations.	
386.	Forgery of documents and marks - -	*See* 17 & 18 Vict. c. 104. s. 320.
387.	False declarations - - - -	17 & 18 Vict. c. 104. s. 320.
	Stamps.	
388.	Exemption of instruments from stamp duty -	17 & 18 Vict. c. 104. s. 9. 18 & 19 Vict. c. 119. ss. 63, 67, 71.

Clauses.		Provisions of former Acts.
	Miscellaneous.	
389.	Computation of voyages - - -	18 & 19 Vict. c. 119. s. 30.
390.	Abstracts of Act to be posted in passenger ships -	18 & 19 Vict. c. 119. s. 61.
391.	Power to harbour authority to frame byelaws -	18 & 19 Vict. c. 119. s. 82.
	Application of Act.	
392.	Act not to apply to Her Majesty's ships or ships engaged in certain fisheries - - -	18 & 19 Vict. c. 119. s. 4.
393.	Foreign passenger steamers plying in United Kingdom.	
394.	Foreign ships taking passengers from British islands.	
395.	Limited application of Act to colonial voyages -	18 & 19 Vict. c. 119. s. 96.
396.	Power for governor of colony to modify certain provisions of Act - - - -	18 & 19 Vict. c. 119. s. 97.
	Application of Act to India.	
397.	Power for legislature of India to apply this Act and to make Acts and Ordinances - -	18 & 19 Vict. c. 119. s. 99.
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PART IV.

PREVENTION OF ACCIDENTS.

	Preliminary.	
398.	Short title.	
399.	Incorporation of certain sections of General Provisions Act.	
400.	Application and extent of Act.	
	Prevention of Collisions.	
401.	Regulations to be observed by British ships and by vessels in British jurisdiction - -	25 & 26 Vict. c. 63. ss. 27, 28, 29.
402.	Penalty for vessels not being provided with lights, &c. - - - - -	25 & 26 Vict. c. 63.
403.	Inspection as to lights and fog signals - -	25 & 26 Vict. c. 63. s. 30.
404.	In case of collision one ship shall assist the other	25 & 26 Vict. c. 63. s. 33.
405.	Collisions to be entered in official log - -	17 & 18 Vict. c. 104. s. 328.
406.	Application of regulations to foreign ships -	25 & 26 Vict. c. 63. s. 58.
407.	Queen in Council may alter regulations for preventing collision - - - -	25 & 26 Vict. c. 63. ss. 25, 57.
408.	Queen in Council may exempt vessels in inland navigations.	

Clauses.		Provisions of former Acts.
	Equipments.	
409.	Ships to be properly equipped - - -	See 17 & 18 Vict. c. 104, s. 301.
410.	Safety valve, and prohibition of improper pressure of steam in boiler - - - -	Compare 17 & 18 Vict. c. 104. ss. 301, 302.
411.	Ship's draught of water to be recorded.	
	Unseaworthy Ships.	
412.	Power for Board of Trade to declare ships unseaworthy.	
	Dangerous Goods.	
413.	Provisions to prevent the taking dangerous goods on board without due notice - - -	17 & 18 Vict. c. 104. s. 329. 25 & 26 Vict. c. 63. s. 38.
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PART V.

DELIVERY OF GOODS.

Preliminary.

414.	Short title.	
415.	Extent of Act.	
416.	Incorporation of certain sections of General Provisions Act.	
	Delivery of Goods and Lien for Freight.	
417.	Definitions.	
418.	Power to shipowner to enter and land goods in default of entry and landing by owner of goods -	25 & 26 Vict. c. 63. s. 67.
419.	If, when goods are landed, the shipowner give notice for that purpose, the lien for freight is to continue - - - - -	25 & 26 Vict. c. 63. s. 68.
420.	Lien to be discharged on proof of payment -	25 & 26 Vict. c. 63. s. 69.
421.	Lien to be discharged on deposit with warehouseman - - - - - -	25 & 26 Vict. c. 63. s. 70.
422.	Notice within 15 days to warehouseman, and consequent proceedings - - - -	25 & 26 Vict. c. 63. ss. 71–72.
423.	After 90 days warehouseman may sell goods by public auction - - - - -	25 & 26 Vict. c. 63. s. 73.
424.	Notices of sale to be given - - -	25 & 26 Vict. c. 63. s. 74.
425.	Money arising from sale, how to be applied - -	25 & 26 Vict. c. 63. s. 75.
426.	Warehouseman's rent and expenses - -	25 & 26 Vict. c. 63. s. 76.
427.	Warehouseman's protection - - - -	25 & 26 Vict. c. 63. s. 77.
428.	Saving for powers under local Acts - - -	25 & 26 Vict. c. 63. s. 78.

Clauses.		Provisions of former Acts.
	Bills of Lading.	
429.	Rights under bills of lading to vest in consignee or endorsee	18 & 19 Vict. c. 111. s. 1.
430.	Not to affect right of stoppage in transitu or claims for freight	18 & 19 Vict. c. 111. s. 2.
431.	Bill of lading in hands of consignee, &c., conclusive evidence of the shipment as against master, &c.	18 & 19 Vict. c. 111. s. 3.
	PART VI.	
	Liability of Shipowners Act.	
432.	Short title.	
433.	Incorporation of certain sections of General Provisions Act.	
434.	Extent of Act	17 & 18 Vict. c. 104. s. 502.
435.	Owner not liable in certain cases	17 & 18 Vict. c. 104. s. 503.
436.	Limitation of owners liability where no fault or privity	25 & 26 Vict. c. 63. s. 54. 17 & 18 Vict. c. 104. s. 506.
437.	Proceedings where several claims are apprehended	17 & 18 Vict. c. 104. s. 514. 23 & 24 Vict. c. 126. s. 35. 24 & 25 Vict. c. 10. s. 13.
438.	Liability of master and seamen not affected	17 & 18 Vict. c. 104. s. 516.
439.	Part owners to account in respect of damages	17 & 18 Vict. c. 104. s. 515.
440.	Insurances of certain risks not invalid	25 & 26 Vict. c. 63. s. 55.
	PART VII.	
	Wreck and Salvage Act.	
	Preliminary.	
441.	Short title.	
442.	Interpretation.	
443.	Incorporation of General Provisions Act.	
444.	Extent of Act.	
	Inquiries into Shipping Casualties.	
445.	Preliminary inquiries into shipping casualties may be made by receivers	17 & 18 Vict. c. 104. ss. 432, 448.
446.	Manner of conducting preliminary inquiries by receiver	17 & 18 Vict. c. 104. ss. 432, 448, 449.

Clauses.		Provisions of former Acts.
447.	Statements to be made by master of a British vessel to which a casualty has happened.	
448.	Notice of loss of a British ship to be given by the owner to the Board of Trade - - -	17 & 18 Vict. c. 104. s. 327.
449.	Examination of persons belonging to foreign ships by consent of foreign government.	
450.	Formal investigation of shipping casualties -	17 & 18 Vict. c. 104. ss. 433-437. 25 & 26 Vict. c. 63. s. 23.
451.	The legislature of a British possession may provide for investigations of shipping casualties.	
	Signals of Distress.	
452.	Signals of distress in schedule.	
	Vessels in Distress.	
453.	Aid of vessels stranded or in distress - -	17 & 18 Vict. c. 104. s. 441.
454.	Powers of the receiver in case of vessels stranded or in distress - - - - -	17 & 18 Vict. c. 104. s. 442.
455.	Power to pass over adjoining lands - -	17 & 18 Vict. c. 104. ss. 446.
456.	Power to suppress plunder and disorder by force	17 & 18 Vict. c. 104. s. 444.
457.	Liability for damage in case of a vessel plundered by a tumultuous assemblage - - -	17 & 18 Vict. c. 104. s. 477.
458.	Power of master to repel boarding by force -	17 & 18 Vict. c. 104. s. 478.
459.	Certain officers to exercise powers of receiver in his absence - - - - -	17 & 18 Vict. c. 104. s. 445.
	Wreck.	
460.	Rules for persons finding wreck in the United Kingdom - - - - -	17 & 18 Vict. c. 104. ss. 443, 450.
461.	Rules as to wreck found at sea.	
462.	Power for receiver to seize wreck.	
463.	Notice of wreck to be given by receiver - -	17 & 18 Vict. c. 104. s. 452.
464.	Owner may claim wreck within one year -	17 & 18 Vict. c. 104. s. 470. 18 & 19 Vict. c. 91. s. 19.
465.	Power to receiver to sell wreck in certain cases	17 & 18 Vict. c. 104. ss. 453, 469.
	Unclaimed Wreck.	
466.	Right of Crown to unclaimed wreck - -	17 Edw. 2. stat. 1. c. 11.
467.	Notice of unclaimed wreck to be given to franchisers of wreck - - - -	17 & 18 Vict. c. 104. ss. 454-501.
468.	Disposal of unclaimed wreck	17 & 18 Vict. c. 104. ss. 471, 475. 25 & 26 Vict. c. 63. s. 53.
469.	Disputed title to unclaimed wreck - -	17 & 18 Vict. c. 104. ss. 472, 473.

Clauses.		Provisions of former Acts.
470.	Delivery of unclaimed wreck by a receiver not to prejudice title	25 & 26 Vict. c. 63. s. 52.
471.	Interpleader, in case of wreck.	
472.	Power to Board of Trade to purchase rights to wreck	17 & 18 Vict. c. 104. s. 474.
473.	Disposal of royal fish.	
474.	Admirals not to interfere with wreck	17 & 18 Vict. c. 104. s. 440.
475.	Disposal of unclaimed wreck in British possessions.	

Marine Store Dealers.

476.	Regulations for marine store dealers	17 & 18 Vict. c. 104. ss. 480, 481, 482.
477.	Manner of obtaining permit to cut up cables	17 & 18 Vict. c. 104. s. 481.
478.	Permit to be advertised before dealer proceeds to act thereon	17 & 18 Vict. c. 104. s. 482.

Offences in respect of Wreck.

479.	Felonies in respect of wreck	24 & 25 Vict. c. 100. s. 17. 24 & 25 Vict. c. 96. s. 64. 24 & 25 Vict. c. 97. s. 49. 17 & 18 Vict. c. 104. ss. 478, 479.
480.	Misdemeanors in respect of wreck	17 & 18 Vict. c. 104. s. 478. 24 & 25 Vict. c. 100. s. 37. 24 & 25 Vict. c. 96. ss. 65, 66.
481.	Venue and evidence in prosecutions in respect wreck	See 24 & 25 Vict. c. 96. ss. 65, 66.
482.	Summary procedure for concealment of wreck	17 & 18 Vict. c. 104. s. 451. See 24 & 25 Vict. c. 110., and 24 & 25 Vict. c. 95. s. 65.

Salvage.

483.	Salvage shall be payable for saving life	17 & 18 Vict. c. 104. ss. 458, 459.
484.	Salvage of life from foreign vessels out of British jurisdiction	25 & 26 Vict. c. 63. s. 59.
485.	Salvage of cargo or wreck	17 & 18 Vict. c. 104. s. 458.

Procedure in Salvage.

486.	Jurisdiction in salvage disputes	See 17 & 18 Vict. c. 104. ss. 460–465; 25 & 26 Vict. c. 63. s. 49.

Clauses.		Provisions of former Acts.
487.	Power for court of summary jurisdiction to appoint assessor	See 17 & 18 Vict. c. 104. s. 461.
488.	Proceedings for salvage how to be commenced	17 & 18 Vict. c. 104. s. 460.
489.	Valuation of property	25 & 26 Vict. c. 63. s. 50.
490.	Property liable for salvage may be seized and detained by a receiver	See 17 & 18 Vict. c. 104. s. 468.
491.	Procedure in disputes as to salvage before a receiver.	
492.	Apportionment of salvage	17 & 18 Vict. c. 104. ss. 466, 498.
493.	Enforcement of salvage where the property is under arrest in another suit.	
	Salvage by Her Majesty's Ships.	
494.	Salvage by Her Majesty's ships	17 & 18 Vict. c. 104. ss. 484, 485.
495.	Salvage by Her Majesty's ships abroad	17 & 18 Vict. c. 104. ss. 486, 494, 496.
	Salvage by means of Lifeboats or Rocket Apparatus.	
496.	Salvage of life by means of lifeboats or rocket apparatus.	
	Jurisdiction of Admiralty Courts in Salvage.	
497.	Jurisdiction of Admiralty Courts in salvage	17 & 18 Vict. c. 104. s. 476.
498.	Extension of jurisdiction of local Admiralty Courts.	
	Appointment of Receivers of Wreck.	
499.	Appointment of receivers of wreck	17 & 18 Vict. c. 104. s. 439.
500.	General powers of receivers.	
	Fees of Receivers of Wreck.	
501.	Receivers fees	17 & 18 Vict. c. 104. ss. 455–7.
502.	Remuneration for services by coastguard	18 & 19 Vict. c. 91. s. 20.
	Duties on Wreck.	
503.	Foreign goods found derelict to be subject to same duties as on importation	17 & 18 Vict. c. 104. ss. 499, 500.
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PART VIII.

Pilotage Act.

Clauses.	Provisions of former Acts.
Preliminary.	
504. Short title.	
505. Incorporation of certain sections of General Provisions Act.	
506. Application - - - - -	17 & 18 Vict. c. 104. s. 330.
507. Construction.	
Free Pilotage.	
508. Employment of pilot not to be compulsory.	
Provisional Orders.	
509. Powers of Board of Trade to be exercised by provisional order - - - - -	25 & 26 Vict. c. 63. s. 39.
General Powers of Pilotage Authorities.	
510. Powers of pilotage authorities - - -	17 & 18 Vict. c. 104. s. 333.
511. Power of appeal against byelaws - - -	17 & 18 Vict. c. 104. s. 336.
512. General jurisdiction of pilotage authorities - -	17 & 18 Vict. c. 104. s. 331.
Returns by Pilotage Authorities.	
513. Power for Board of Trade to call for returns from pilotage authorities - - - - -	17 & 18 Vict. c. 104. s. 337.
514. Penalty on failure to make returns - -	17 & 18 Vict. c. 104. s. 338.
Licensing of Pilots.	
515. Registry of pilot licences - - -	17 & 18 Vict. c. 104. s. 349.
516. Copies of regulations to be furnished to licensed pilot, and to be produced by him - -	17 & 18 Vict. c. 104. s. 350.
517. Licensed pilot to produce licence to employer -	17 & 18 Vict. c. 104. s. 351.
518. Licences to be delivered up when required, and to be returned on death - - - -	17 & 18 Vict. c. 104. s. 352.
519. Pilot aggrieved by requirement to deliver up licence may appeal to the Trinity House.	
Rights of Pilots.	
520. Licensed pilots unable to board, when entitled to pilotage - - - - - -	17 & 18 Vict. c. 104. s. 351.

Clauses.		Provisions of former Acts.
521.	Allowance to licensed pilot taken out of his district	17 & 18 Vict. c. 104. s. 357.
522.	Licensed pilot to be allowed payment for time during which he is kept in quarantine.	
523.	Penalty on making a false declaration as to draught of ship	17 & 18 Vict. c. 104. s. 359.
524.	Power of licensed to supersede unlicensed pilot	17 & 18 Vict. c. 104. ss. 353, 360, 361.
525.	Occasions on which unlicensed persons may act as pilots	17 & 18 Vict. c. 104. s. 362.
526.	Recovery of pilotage dues and additional sums due to pilots	17 & 18 Vict. c. 104. ss. 363, 364.
	Offences of Pilots.	
527.	Offences of pilots	17 & 18 Vict. c. 104. s. 365.
528.	Penalty on pilot endangering ship, life, or limb	17 & 18 Vict. c. 104. s. 366.
529.	Penalty on pilot obtaining charge of a ship by wilful misrepresentation	17 & 18 Vict. c. 104. ss. 361, 367.
530.	Penalty on licensed pilot receiving too large dues	17 & 18 Vict. c. 104. s. 358.
531.	Penalty on licensed pilot making improper demands in respect of salvage.	
	Pilot Boats and Pilot Signals.	
532.	Pilot boats, how to be provided	17 & 18 Vict. c. 104. s. 345.
533.	Characteristics of pilot boats	17 & 18 Vict. c. 104. s. 346.
534.	Signals to be displayed by ships requiring a pilot.	
535.	Pilot when in charge of ship to display pilot flag.	
536.	Licensed pilot to display flag though not in pilot boat	17 & 18 Vict. c. 104. s. 347.
537.	Penalty on ordinary boat displaying pilot flag	17 & 18 Vict. c. 104. s. 348.
	Trinity House.	
538.	Trinity House regulations in schedule	See 17 & 18 Vict. c. 104. ss. 368, 387.
	Sub-commissioners.	
539.	Power of Trinity House to appoint sub-commissioners	17 & 18 Vict. c. 104. s. 369.
540.	Power of Trinity House of Hull to appoint sub-commissioners	17 & 18 Vict. c. 104. s. 387.
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PART IX.

Conservancy Act.

Clauses.		Provisions of former Acts.
	Preliminary.	
541.	Short title.	
542.	Incorporation of certain sections of the General Provisions Act.	
543.	Extent of Act.	
	Preliminary Inquiries.	
544.	On application to Parliament for Act to authorize works on tidal lands, &c., power for Board of Trade to institute preliminary inquiries -	14 & 15 Vict. c. 49.
545.	Like power for Admiralty where interest of naval service affected - - - -	25 & 26 Vict. c. 69. s. 4.
546.	Deposit of plans with Board of Trade - -	23 & 24 Vict. c. 152. s. 41. 25 & 26 Vict. c. 69. s. 7.
	Regulations as to Works.	
547.	Restriction on works affecting harbours or navigation, under statutory powers - -	8 & 9 Vict. c. 20. s. 17. 8 & 9 Vict. c. 33. s. 17. 10 & 11 Vict. c. 27. ss. 12, 13.
548.	Restriction on works affecting harbours or navigation, where there are no statutory powers -	46 Geo. 3. c. 153. 25 & 26 Vict. c. 69. s. 15.
549.	Lights on works - - - - - -	25 & 26 Vict. c. 19. s. 11. 26 & 27 Vict. c. 92. s. 13.
550.	Approval of Board of Trade to plans for bridge over tidal river - - - -	26 & 27 Vict. c. 92. s. 14.
551.	User of bridges - - - -	26 & 27 Vict. c. 92. s. 15.
552.	Access to seashore under or across works -	26 & 27 Vict. c. 92. s. 16.
553.	Provision for preventing deviation of works along sea or tidal river without consent of Board of Trade - - - - -	26 & 27 Vict. c. 92. s. 17.
554.	Power for abatement of works disused - -	26 & 27 Vict. c. 92. s. 18.
555.	Power for local survey - - -	26 & 27 Vict. c. 92. s. 19.
	Injuries to Navigation.	
556.	Restriction on deposit of ballast, rubbish, &c. -	19 Geo. 2. c. 22. ss. 1, 2. 54 Geo. 3. c. 158, ss. 11, 12, 13, and 15. 34 & 35 Hen. 8. c. 9. s. 6.
557.	Removal of wreck.	

Clauses.		Provisions of former Acts.
558.	Power to make byelaws respecting removal of ballast, shingle, &c. from shore - -	54 Geo. 3. c. 159. s. 14. 25 & 26 Vict. c. 69. s. 16.
559.	Restriction on removal of ballast, shingle, &c. from shore under management of Board of Trade.	
560.	Series of acts tending to injury of navigation.	
561.	Saving for powers independent of this Act -	29 & 30 Vict. c. 62.
	Determination as to which of two Bodies is the Conservancy Authority.	
562.	Power to determine by Order in Council.	
	Transfer to Board of Trade of Powers under existing special Acts.	
563.	Powers for protection of navigation, &c. under local Acts for works on tidal lands, &c. to be exercised by Board of Trade - - -	25 & 26 Vict. c. 69. s. 8.
564.	Power to Admiralty to retain authority over ports, &c. where dockyards, &c. are situate -	25 & 26 Vict. c. 69. s. 9.
565.	Exception as to Mersey and Thames - -	25 & 26 Vict. c. 68. s. 10. 5 & 6 Vict. c. 110. 20 & 21 Vict. c. 147. s. 3.
566.	Saving for prerogative of Crown and general conservancy powers of Admiralty - -	25 & 26 Vict. c. 69. ss. 18 and 19.
567.	Saving for past acts, contracts, and appointments, and proceedings pending, &c. -	25 & 26 Vict. c. 69. ss. 18 and 19.
568.	Saving of powers under local Acts.	
569.	Provision for notices under Artillery Ranges Act, 1862, being given to Board of Trade - -	25 & 26 Vict. c. 36. s. 2.

PART X.

Harbours Act.

Preliminary.

570.	Short title.	
571.	Definitions - - - - -	10 & 11 Vict. c. 27. s. 3.
572.	Incorporation of certain sections of the General Provisions Act.	
573.	Extent of Act.	
574.	Application of Act - - - -	See 25 & 26 Vict. c. 19. s. 21.
575.	Power to apply Act to existing harbour authorities.	

Clauses.		Provisions of former Acts.
	Special Acts for Harbours.	
576.	Access to special Act	10 & 11 Vict. c. 27. ss. 97, 98.
577.	Lands Clauses Act to be incorporated in the special Act of every harbour.	
578.	Correction of errors and omissions in plans and books of reference	10 & 11 Vict. c. 27. s. 7.
	Harbour Dues.	
579.	Power to raise or lower dues	10 & 11 Vict. c. 27. s. 30.
580.	Right of unobstructed access to harbour on payment of dues	10 & 11 Vict. c. 27. s. 33. 25 & 26 Vict. c. 19. s. 13.
581.	Compositions for dues	10 & 11 Vict. c. 27. s. 32.
582.	Power for harbour authority to contract for use of pier or works.	
583.	Prohibition of levying of dues before completion of harbour	10 & 11 Vict. c. 27. ss. 25, 26.
584.	List of dues	10 & 11 Vict. c. 27. s. 47.
585.	Byelaws respecting dues	10 & 11 Vict. c. 27. ss. 34–37.
586.	Ships returning from stress of weather	10 & 11 Vict. c. 27. s. 29.
587.	In case of difference power to weigh or measure goods and detain ship	10 & 11 Vict. c. 27. ss. 40, 41.
588.	Power for collector of customs to withhold clearance until dues paid	10 & 11 Vict. c. 27. s. 48.
589.	Power for Board of Trade to revise dues in certain cases	25 & 26 Vict. c. 19. s. 14.
	Accounts.	
590.	Contents of accounts	10 & 11 Vict. c. 27. s. 49.
591.	Annual account	10 & 11 Vict. c. 27. s. 50.
592.	Audit of accounts on complaint to Board of Trade in certain cases	25 & 26 Vict. c. 19. ss. 15, 16.
	Officers and Servants.	
593.	Appointments and duties of harbour masters and other officers	10 & 11 Vict. c. 27. ss. 51, 81.
594.	Power of harbour master	10 & 11 Vict. c. 27. s. 52.
595.	Employment of weighers and meters	10 & 11 Vict. c. 27. s. 82.
596.	Penalty on offering bribes to officers	10 & 11 Vict. c. 27. s. 55.
597.	Special constables	10 & 11 Vict. c. 27. s. 79.
	Harbour Regulations.	
598.	Power by byelaws to regulate use of harbour, entrance of ships, anchoring, &c.	10 & 11 Vict. c. 27. s. 83.

Clauses.		Provisions of former Acts.
	Warehouses, Cranes, and other Conveniences.	
599.	Power to purchase additional land required for extraordinary purposes, and to do certain other things - - - - - -	10 & 11 Vict. c. 27. ss. 20, 21, 22, 23. 25 & 26 Vict. c. 19. s. 20.
	Loans to Harbour or Conservancy Authorities.	
600.	Provisions as to loans to harbour or conservancy authorities by Public Works Loan Commissioners - - - - - -	24 & 25 Vict. c. 47. s. 3. 25 & 26 Vict. c. 69. ss. 20, 21, 22.
601.	Power to proprietor of harbour for limited estate to charge estate of subsequent takers under same settlement - - - - - -	24 & 25 Vict. c. 47. ss. 2, 3. 25 & 26 Vict. c. 69. ss. 20, 21, 22.
602.	Power of Board of Trade to authorize suspension of sinking fund, &c. - - - - -	29 & 30 Vict. c. 30. ss. 1, 2.
	Harbour Signals.	
603.	Harbour signals in schedule.	
	Lifeboats.	
604.	Harbour authority to provide lifeboats and other apparatus on requisition of Board of Trade -	10 & 11 Vict. c. 27. ss. 16, 17.
	Tide Gauges and Barometers.	
605.	Provision by harbour authority of tide gauge and barometer, and accounts of workings - -	10 & 11 Vict. c. 27. ss. 18, 19.
	Damage in Harbour.	
606.	Responsibility for injury to works of harbour -	10 & 11 Vict. c. 27. s. 74, 75.
607.	Recovery over by owner from master of ship, &c.	10 & 11 Vict. c. 27. s. 76.
608.	Penalty for wilfully cutting moorings - -	10 & 11 Vict. c. 27. s. 62.
	Her Majesty's Customs.	
609.	Approval of legal quays by Treasury, &c. -	10 & 11 Vict. c. 27. s. 24.
610.	Provision by harbour authority of watchhouses, huts, &c. for customs officers - - -	10 & 11 Vict. c. 27. s. 14.
611.	Freedom of passage for customs officers.	
612.	Harbour authority to have no power to do anything inconsistent with the law relating to customs -	10 & 11 Vict. c. 27. s. 52.
	Sites for protecting Batteries.	
613.	Power to Secretary of State for War to take and hold lands, &c. for batteries, &c. -	24 & 25 Vict. c. 45. s. 20.

Clauses.		Provisions of former Acts.
	Determination as to which of two bodies is the Harbour Authority.	
614.	Power to determine harbour authority by Order in Council.	
	Exemption of Her Majesty's Ships, &c. from operation of this Act.	
615.	Exemption of ships in Her Majesty's service, &c. from rates, &c. - - - -	10 & 11 Vict. c. 27. s. 28.
	SCHEDULES.	

PART XI.

SHIPPING DUES ACT.

Preliminary.

616.	Short title.	
617.	Incorporation of certain sections of General Provisions Act.	
618.	Application of Act.	
619.	Extent of Act.	
	Prohibition of certain Classes of Dues.	
620.	Prohibition of partiality as to dues - -	10 & 11 Vict. c. 21. s. 30. 25 & 26 Vict. c. 19. s. 17.
621.	Prohibition of passing tolls - - -	24 & 25 Vict. c. 47. s. 4.
622.	Prohibition of differential dues - - -	24 & 25 Vict. c. 47. s. 10.
623.	Prohibition of dues except for shipping purposes	
624.	Prohibition of dues inconsistent with treaties -	24 & 25 Vict. c. 47. ss. 6–9.
625.	No exemption from dues allowed in United Kingdom on account of reasons herein named	30 & 31 Vict. c. 15. s. 4.
	Dues levied on Ships not to be sold or charged.	
626.	Dues not to be sold or charged - - -	16 & 17 Vict. c. 131. s. 24.
	Transfer of Shipping Dues to Harbour Authorities.	
627.	Power to transfer dues - - -	24 & 25 Vict. c. 47. ss. 17, 18, 19.
628.	Provisional order for transfer.	
629.	Application of dues and of consideration money -	24 & 25 Vict. c. 47. ss. 17, 20.
630.	Power to borrow for transfer - - -	24 & 25 Vict. c. 47. ss. 17, 20.

PART XII.

Crimes Act.

Clauses.		Provisions of former Acts.
	Preliminary.	
631.	Short title.	
632.	Incorporation of certain clauses of General Provisions Act.	
633.	Extent of Act.	
634.	Application of Act.	
	Crimes against Vessels.	
635.	Malicious destruction of ship - - - -	12 G. 3, c. 24. 29 G. 3, c. 46, s. 1. 5 & 6 Vict. c. 28, s. 2. 24 & 25 Vict. c. 97. ss. 42–47. 24 & 25 Vict. c. 100, ss. 13, 30.
636.	Malicious damage to a vessel a misdemeanor -	24 & 25 Vict. c. 97. s. 45.
637.	Barratry by master, &c. of vessel - -	See 11 & 12 W. 3. c. 7. s. 9.
638.	Misconduct endangering vessel or life or limb a misdemeanor - - - - -	17 & 18 Vict. c. 104. s. 239.
639.	Endangering life in sending ship to sea unseaworthy.	
640.	Punishment of piracy and attempt to murder in case of piracy - - - - -	See 7 W. 4. & 1 Vict. c. 88. s. 2.
641.	Punishment of hostility by British subjects on the high seas - - - - -	11 & 12 W. 3. c. 7. s. 8. 18 G. 2. c. 30. s. 1. 7 W. 4. & 1 Vict. c. 88. ss. 3, 5.
642.	Punishment of various crimes committed on high seas connected with piracy - -	11 & 12 W. 3. c. 7. s. 9. 7 W. 4. & 1 Vict. c. 88. ss. 3, 5. 11 & 12 W. 3. c. 7. s. 10. 8 G. 1. c. 24. ss. 1–3. 11 & 12 W. 3. c. 7. s. 10. 8 G. 1. c. 24. ss. 1–3.
643.	Forfeiture of vessels, arms, &c. - - -	8 G. 1. c. 24. s. 1.
644.	Meaning of the term piracy.	
645.	Provisions as to indictments for piracy, &c.	

Clauses.		Provisions of former Acts.
	Jurisdiction as to Offences at Sea.	
646.	Jurisdiction of British Court in respect of offences at sea - - - - -	39 G. 3. c. 37. 59 G. 3. c. 53. 4 & 5 W. 4. c. 36. s. 22. 7 & 8 Vict. c. 2. 12 & 13 Vict. c. 96. 17 & 18 Vict. c. 104. s. 267. 18 & 19 Vict. c. 91. s. 21. 24 & 25 Vict. c. 94. s. 9. 24 & 25 Vict. c. 96. s. 115. 24 & 25 Vict. c. 97. s. 72. 24 & 25 Vict. c. 98. s. 50. 24 & 25 Vict. c. 99. s. 36. 24 & 25 Vict. c. 100. s. 68. 30 & 31 Vict. c. 104. s. 11.
647.	Jurisdiction of British Court in respect of offences by seafaring persons - -	57 G. 3. c. 53. 17 & 18 Vict. c. 104. s. 267.
648.	Offences committed partly at sea and partly on land - - - - - -	12 & 13 Vict. c. 96. s. 3. 24 & 25 Vict. c. 100. s. 10. 24 & 25 Vict. c. 94.
649.	Abolition of criminal jurisdiction of Admiralty Court.	
650.	Venue - - - - - - -	24 & 25 Vict. c. 97.
	Removal of Offenders.	
651.	Power to remove offenders.	
652.	Provision for persons entitled to be tried by the supreme court of a presidency - -	24 & 25 Vict. c. 88.
653.	Conveyance of offenders and witnesses to United Kingdom or some British possession - -	17 & 18 Vict. c. 104. s. 268.

PART XIII.

General Provisions Act.

Preliminary.

654.	Short title.	
655.	Incorporation of this Act in other Acts.	
656.	Reference to headings in Act.	

Clauses.		Provisions of former Acts.
	Legal Procedure.—(I.) Jurisdiction.	
657.	Jurisdiction over water on boundaries of two jurisdictions	17 & 18 Vict. c. 104. s. 521.
658.	Definitions of courts.	
659.	Power of Colonial legislature as to courts.	
660.	Harbour-master at Holyhead may be commissioned as justice	30 & 31 Vict. c. 124. s. 12.
	Legal Procedure.—(II.) Summary Proceedings.	
661.	Summary procedure	17 & 18 Vict. c. 104. s. 518.
662.	Punishment of misdemeanor	17 & 18 Vict. c. 104. s. 518, paras. 1 and 2.
663.	Aiders and abettors in offences punished summarily.	
664.	Summary proceedings for offences, &c.	17 & 18 Vict. c. 104. s. 518.
665.	Limitation of time in summary proceedings	17 & 18 Vict. c. 104. s. 525.
666.	Appeal on summary conviction in England. Exclusion of certiorari	17 & 18 Vict. c. 104. s. 518, para. 4.
	Legal Procedure.—(III.) Evidence.	
667.	Depositions to be received in evidence when witness cannot be produced	17 & 18 Vict. c. 104. s. 270.
668.	Document proved without calling attesting witness	17 & 18 Vict. c. 104. s. 526.
669.	Service of notices and proof thereof	17 & 18 Vict. c. 104. s.
	Legal Procedure.—(IV.) Process.	
670.	Sums ordered to be paid leviable by distress on ship	17 & 18 Vict. c. 104. s. 523.
671.	Judge of court of record or Admiralty to arrest ship which has occasioned damage, when belonging to an owner resident out of the United Kingdom. Power in certain cases to detain ship before application made to judge	17 & 18 Vict. c. 104. ss. 527, 528.
672.	Who to be defendant to suit in such cases	17 & 18 Vict. c. 104. s. 529.
673.	Search for property ordered summarily to be delivered.	
	Legal Procedure.—(V.) Costs.	
674.	The costs of prosecution of misdemeanors may be allowed	See 17 & 18 Vict. c. 104. s. 518, and 24 & 25 Vict. c. 97. s. 77.
675.	Application of penalties	17 & 18 Vict. c. 104. s. 524. See 10 & 11 Vict. c. 27. s. 95.

Clauses.		Provisions of former Acts.
	Legal Procedure.—(VI.) General.	
676.	Not to prevent persons from being liable under any other Act, &c.	
677.	Solicitors, clerks, and officers of customs may conduct cases - - - -	16 & 17 Vict. c. 107. s. 323.
	Orders in Council.	
678.	Orders in Council.	
679.	Schedules may be altered or repealed by Orders in Council.	
680.	Power by Order in Council to determine certain authorities in colonies and foreign ports.	
	Byelaws.	
681.	Rules as to byelaws.	
	Inspectors.	
682.	Appointment of inspectors by Board of Trade, and their powers - - - -	17 & 18 Vict. c. 104. ss. 14–16, and 24.
	Surveyors.	
683.	Appointment, &c. of surveyors - - -	17 & 18 Vict. c. 104. s. 305.
684.	Power of surveyors - - - -	17 & 18 Vict. c. 104. s. 306.
685.	Regulations of Board of Trade respecting surveys	17 & 18 Vict. c. 104. s. 307.
686.	Prohibition of gratuities, &c. - - -	17 & 18 Vict. c. 104. s. 308.
687.	Fees to be carried to Mercantile Marine Fund.	
	Dues.	
688.	Liability for dues payable by ship - -	17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. ss. 44, 66.
689.	Power for consignees, &c. to retain dues paid by them - - - - -	17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. s. 45.
690.	Recovery of dues - - - -	17 & 18 Vict. c. 104. s. 401.
691.	Settlement of disputes concerning dues or charges occasioned by distress - -	10 & 11 Vict. c. 27. s. 46.
692.	Penalty on evasion - - - -	10 & 11 Vict. c. 27. s. 43.
693.	Saving of powers under special Acts.	
	Detention of Ships.	
694.	Detention of ships.	
	Constructions.	
695.	Construction.	
696.	Commencement of Act.	

A

B I L L

TO

Consolidate and amend the Acts relating to Merchant Shipping and Navigation. A.D. 1871.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Division of Act.

1. This Act shall be divided into parts, intituled as follows:—

Part 1.—Registry Act.
Part 2.—Masters and Seamen Act.
Part 3.—Passengers Act.
Part 4.—Prevention of Accidents Act.
Part 5.—Delivery of Goods Act.
Part 6.—Liability of Shipowners Act.
Part 7.—Wreck and Salvage Act.
Part 8.—Pilotage Act.
Part 9.—Conservancy Act.
Part 10.—Harbours Act.
Part 11.—Shipping Dues Act.
Part 12.—Crimes Act.
Part 13.—General Provisions Act.

Each of such parts, with the schedules annexed thereto, is in this Act referred to as, and shall for all purposes be deemed except as therein expressly provided, to be a separate Act, and may accordingly be cited, printed, and published separately by the title therein in that behalf mentioned.

The whole of such parts are in this Act referred to as and may be cited, printed, and published together by the title of the Merchant Shipping Code, 1871.

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British Ships.

PART I.

Registry Act.

Preliminary.

Short title.

2. This Act may be cited as the Merchant Shipping Code (Registry Act), 1871.

Incorporation of certain sections of General Provisions Act.

3. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1871, relating to Legal Procedure, Orders in Council, Detention of Ship, and Construction.

Exemption of Her Majesty's ships.

4. This Act shall not, except as herein expressly provided, apply to ships belonging to Her Majesty.

British Ships.

Definition of British ship, and qualifications of owners of British ships.
17 & 18 Vict. c. 104. s. 18.

5. A British ship is a ship owned wholly by persons qualified to be owners of British ships.

The persons following and no others are qualified to be owners of British ships:—

(1.) Natural-born British subjects:

(2.) Persons naturalized by or in pursuance of an Act of Parliament of the United Kingdom, or by or in pursuance of an Act or ordinance of the proper legislative authority in a British possession:

(3.) Persons made denizens by letters of denization; and

(4.) Bodies corporate established under and subject to the laws of some part of Her Majesty's dominions, and having their principal place of business in those dominions:

Provided that any person who either—

(1.) being a natural-born British subject has taken the oath of allegiance to a foreign sovereign or state, or become a citizen of a foreign state; or

(2.) has been naturalized or made a denizen as aforesaid;

shall not be entitled to be owner of a British ship unless after taking the said oath or becoming citizen of a foreign state, or upon being naturalized or made denizen as aforesaid, such person has taken the oath of allegiance to Her Majesty, and is for the time being either resident in Her Majesty's dominions, or partner in a firm actually carrying on business in Her Majesty's dominions.

All British ships to be registered.
17 & 18 Vict. c. 104, s. 19.

6. Every British ship, as defined by this Act (if not exempted from registry), and no other ship, shall be registered under this Act, and a British ship unless so registered or exempted from registry shall not be entitled to be recognized as a British ship.

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Registry—General.

It shall be lawful for Her Majesty from time to time, by Order in Council, to direct that any classes of ships specified in the Order may be exempted from registry under this Act, and such ships shall, while the Order is in force, be exempted accordingly.

Registry—General.

Register Book, and entries therein. 17 & 18 Vict. c. 104. ss. 32, 37.

7. For the purpose of the registry of British ships every registrar under this Act shall keep a book to be called the register book.

Entries in such book shall be made in accordance with the following provisions:

(1.) The property in a ship shall be divided into sixty-four shares:

(2.) No person shall be registered as owner of a fractional part of a share in a ship; but any number of persons may be registered as joint owners of a ship, or of a share or shares therein:

(3.) Joint owners shall not be entitled to dispose in severalty of any interest in a ship, or in any share or shares therein in respect of which they are registered:

(4.) A body corporate may be registered as owner by the corporate name.

Measurement, survey, and marking name, number, &c. of ship. 17 & 18 Vict. c. 104. ss. 25, 34, 36. 18 & 19 Vict. c. 91. s. 13.

8. Before the registry of a ship the following things shall be done:—

(1.) The ship shall be surveyed and measured in accordance with the regulations in that behalf contained in this Act, by a surveyor appointed under this Act:

(2.) There shall be delivered to the registrar the certificate of the surveyor specifying the ship's tonnage and build:

(3.) The name of the ship, the name of her port of registry, her official number, the number denoting her register tonnage, and an accurate scale of feet showing her draught of water shall be permanently and conspicuously marked on the ship in accordance with the regulations contained in the first schedule to this Act, but the Board of Trade may exempt any class of ships from the requirements of this sub-section, or any of them.

If the scale of feet showing the ship's draught of water is in any respect inaccurate the owner of the ship shall incur a penalty not exceeding *one hundred pounds*.

Application for registry. 17 & 18 Vict. c. 104. s. 35.

9. An application for registry of a ship shall be made in writing, in the case of individuals by the person requiring to be registered as owner, or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of bodies corporate by their agent, the authority of such agent, if appointed

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Registry—General.

by individuals, being testified by writing under the hands of the appointors, and if appointed by a body corporate by writing under the common seal of that body.

Declaration of ownership on registry and evidence on first registry. 17 & 18 Vict. c. 104. ss. 38, 39, 40.

10. An applicant for registry shall not be entitled to be registered as owner of a ship or of a share therein until, if an individual he himself, and if a body corporate their secretary or other officer, has made and signed such declaration, and (in the case of first registry) produced such evidence as are required by the regulations contained in the second schedule to this Act.

Particulars of entry in register book. 17 & 18 Vict. c. 104. s. 42.

11. As soon as the requisitions of this Act preliminary to registry have been complied with the registrar shall enter in the register book the particulars specified in the third schedule to this Act.

No notice of trusts. 17 & 18 Vict. c. 104. s. 43.

12. Notice of any trust, express, implied, or constructive, shall not be entered in the register book or be receivable by the registrar, and, subject to any rights and powers appearing by the register book to be vested in any other person, the registered owner of a ship or share therein shall have power absolutely to dispose in manner in this Act provided of such ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

Registrar to retain documents. 17 & 18 Vict. c. 104. s. 61.

13. Of the documents by this Act required to be produced to the registrar he shall retain in his possession the following; namely, the surveyor's certificate, the builder's certificate, the copy of the condemnation, and all declarations of ownership.

Port of registry. 17 & 18 Vict. c. 104. s. 33.

14. The port or place at which a British ship is registered for the time being shall be deemed her port of registry and the port to which she belongs.

Name of ship. 17 & 18 Vict. c. 104. s. 34.

15. The following rules shall be observed with respect to registered British ships:

(1.) The particulars required by this Act to be marked before the registry of the ship shall be so continued:

(2.) No concealment, absence, alteration, or obliteration of the name of any ship or port shall be permitted, except for the purpose of escaping capture by an enemy:

(3.) A ship shall not be described by any name other than that by which she is for the time being registered:

(4.) No change shall be made in the name of a ship without the previous permission of the Board of Trade signified in writing under their seal, or under the hand of one of their

Certificate of Registry.

secretaries or assistant secretaries. Upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her stem and stern:

(5.) If in any case it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without such permission as aforesaid, they shall direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her stem and stern accordingly:

(6.) Where a ship having once been registered has ceased to be so registered no person unless ignorant of such previous registry, (proof whereof shall lie on him,) shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Board of Trade granted as aforesaid.

Every person who acts or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do anything required by this section, shall for each offence incur a penalty not exceeding *one hundred pounds*, and any officer of customs may detain the ship until the provisions of this section are complied with.

Application for a change of name shall be made in writing to the Board of Trade. If the Board are of opinion that the application is made on reasonable grounds they may entertain the same, and shall thereupon require notice thereof to be published in such form and manner as they think fit.

Change of managing owner to be registered.

16. Upon the managing owner, or any of the managing owners (if more than one), of a ship being changed, the newly appointed managing owner or owners shall forthwith give notice of such change to the registrar of the ship's port of registry, who shall register the same accordingly. Any managing owner who fails to comply with the requirements of this section shall incur a penalty not exceeding *twenty pounds*.

Certificate of Registry.

Certificate of registry. 17 & 18 Vict. c. 104. s. 44.

17. On completion of the registry of a ship, the registrar shall grant a certificate of registry comprising the particulars respecting her entered in the register book, the name of her master (if ap-

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Certificate of Registry.

pointed), and the name or names of her managing owner or owners.

Custody of certificate.

17 & 18 Vict. c. 104. ss. 50., 51.

18. The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatever had or claimed by any owner, mortgagee, or other person to, on, or in the ship.

If any person, whether interested in the ship or not, without reasonable cause (proof whereof shall lie on him) fails on request to deliver up the certificate of registry to the managing owner or managing owners, or in his or their absence to any other person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any registrar, officer of customs, or other person entitled by law to require such delivery, he shall incur a penalty not exceeding *one hundred pounds*, and any court of summary jurisdiction may, besides inflicting such penalty, by summary order require him so to deliver up such certificate.

If the person so failing is proved to have absconded so that the warrant of a justice or process of a court cannot be served on him, or if he persists in not delivering up the certificate, the court before whom he is charged shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost, or destroyed, or as near thereto as circumstances permit.

Penalty for use of improper certificate.

17 & 18 Vict. c. 104. s. 52.

19. If the master or owner of a ship knowingly uses or attempts to use for her navigation a certificate of registry not legally granted in respect of such ship, except for the purpose of escaping capture in the time of war, he shall be guilty of a misdemeanor, and his interest (if any) in such ship shall be subject to forfeiture under this Act.

Power to grant new certificate.

17 & 18 Vict. c. 104. s. 47.

20. The registrar of the port of registry of a ship, may at any time, with the approval of the Commissioners of Customs, and on the delivery up to him of the certificate of registry of a ship, grant a new certificate in lieu thereof.

Provision for loss of certificate.

17 & 18 Vict. c. 104. ss. 48, 49.

21. In the event of the certificate of registry of a ship being mislaid, lost, or destroyed, the master of the ship, or some other person having knowledge of the facts of the case, shall make a declaration stating the facts of the case, and on such declaration being made the registrar of her port of registry shall grant a new certificate of registry in lieu of and as a substitute for her original certificate.

If the place at which the ship is at the time of the event, or first arrives after the event, either—

(*a.*) Is not in the United Kingdom if the ship is registered in the United Kingdom; or,

(*b.*) Is not in the British possession in which the ship is registered; or,

(*c.*) Is not the foreign port of registry at which the ship is registered;

then upon the said declaration being made, stating also the names and descriptions of the registered owners to the best of the declarant's knowledge and belief, the registrar at such place, or if there be none the British consular officer shall grant a provisional certificate, containing a statement of the circumstances under which it is granted.

The provisional certificate shall continue in force only until the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if she be registered in the United Kingdom, or, if she be registered in a British possession, at her port of discharge in that possession, or if she be registered at a foreign port of registry, at that port, and shall within *ten* days after such arrival, be delivered up to the registrar of her port of registry, who shall thereupon grant the new certificate of registry; and if the master fail to deliver up the provisional certificate within the ten days aforesaid, he shall incur a penalty not exceeding *fifty pounds*.

Endorsement of change of master on certificate.

17 & 18 Vict. c. 104. s. 46.

22. Where the master of a registered British ship is changed each of the following persons,—that is to say, if the change is made in consequence of the sentence of any court having Admiralty jurisdiction or of a naval court, the judge or presiding officer of that court, but if the change occurs from any other cause, the registrar, or if there be none, the British consular officer resident at the port where the change occurs,—shall endorse and sign on the certificate of registry a memorandum of the change, and shall forthwith report the change to the Registrar-General of Seamen; and any officer of customs at any port in Her Majesty's dominions may refuse to admit any person to do any act there as master of a British ship unless his name is inserted in or endorsed on her certificate of registry as her last appointed master.

Endorsement of change of ownership on certificate.

17 & 18 Vict. c. 104. s. 45.

23. Whenever a change occurs in the registered ownership of a ship, and whenever the managing owner, or any of the managing owners (if more than one), is changed, the master, or if there be for the time being no master, the managing owner or other person having the custody of the certificate of registry, shall deliver such certificate to the registrar of the first port having a registrar at which the ship arrives after the change, and such registrar shall endorse

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thereon a memorandum of the change, and if he be not the registrar of the ship's port of registry, shall advise such last-mentioned registrar of such change.

If any master, owner, or other person, without reasonable cause (proof whereof shall lie on him), fail to deliver to the registrar the certificate of registry as required by this section he shall incur a penalty not exceeding *twenty pounds*.

Delivery up of certificate of ship lost or ceasing to be British owned.
17 & 18 Vict. c. 104. s. 53.

24. In the event of a registered ship being lost, taken by the enemy, burnt, or broken up, or, by reason of a transfer to persons not qualified to be owners of British ships, or otherwise, ceasing to be a British ship, the managing owner shall, immediately on obtaining knowledge of the event, give notice thereof to the registrar at her port of registry, and such registrar shall make an entry thereof in the register book; and, except where her certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in port, immediately, but if it occurs elsewhere then within *ten* days after his arrival in port, deliver the certificate to the registrar, or if there be no registrar to the British consular officer there, and the registrar, if he is not himself the registrar of her port of registry, or the British consular officer, shall forthwith forward the certificate delivered to him to the registrar of her port of registry; and if any managing owner or master, without reasonable cause (proof whereof shall lie on him), fail in any respect to comply with this section, he shall for every such offence incur a penalty not exceeding *one hundred pounds*.

Provisional certificate for ships becoming British-owned abroad.
17 & 18 Vict. c. 104. s. 54.

25. If at a foreign port, not being a foreign port of registry under this Act, a ship becomes the property of a person qualified to own a British ship, the British consular officer there may grant to her master, on his application, a provisional certificate, stating the several particulars specified in the fourth schedule to this Act, and shall forward a copy of such certificate at the first convenient opportunity to the Commissioners of Customs. Such certificate shall have the effect of a certificate of registry until the expiration of *six months* from its date, or the ship's arrival at a port where there is a registrar (whichever first happens), and on either of those events happening shall cease to have effect.

On the arrival of the ship at a port where there is a registrar the master shall forthwith deliver the provisional certificate to the registrar, and if any master, without reasonable cause (proof whereof shall lie on him), fail to comply with this enactment, he shall for every offence incur a penalty not exceeding *one hundred pounds*.

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Transfers and Transmissions.

Transfers and Transmissions.

Transfer of ships or shares.
17 & 18 Vict. c. 104. s. 55.

26. A registered ship or a share therein (when disposed of to a person qualified to own a British ship) shall be transferred by bill of sale; and a bill of sale shall contain a description of the ship corresponding with that in the surveyor's certificate, or some other description sufficient to identify the ship to the satisfaction of the registrar, and shall be executed by the transferor in the presence of and be attested by a witness or witnesses.

Declaration by transferee.
17 & 18 Vict. c. 104. s. 56.

27. Where a registered ship or a share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until if an individual he himself, and if a body corporate their secretary or other officer, has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship, and containing the several particulars specified in the fifth schedule to this Act.

Registry of transfer.
See 17 & 18 Vict. c. 104. s. 57.

28. Every bill of sale for the transfer of a registered ship or of a share therein, when executed, shall be produced to the registrar of her port of registry, with the declaration of transfer, and the registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share, and shall endorse on the bill of sale the fact of such entry having been made, with the day and hour thereof; and bills of sale of a ship or of a share therein shall be entered in the register book in the order of their production to the registrar.

Where the transfer is made to a person not qualified to be the owner of a British ship the registrar shall make a memorandum of such transfer in the register book, and the registry of the ship in such book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein.

Transmission of property by death, bankruptcy, marriage, &c.
17 & 18 Vict. c. 104. ss. 58–60.

29. Where the property in a registered ship or share therein is transmitted in consequence of the death, bankruptcy, or insolvency of any registered owner, or of the marriage of a female owner, or otherwise than by transfer under this Act, a claimant under such transmission shall not be registered as owner until the following provisions have been complied with:

(1.) If an individual he shall, and if a body corporate their secretary or other officer shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of transmission) identifying the ship and containing the same particulars (mutatis mutandis) as those required in a declaration of transfer, and also a state-

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ment of the manner in which and the person to whom the property has been transmitted:

(2.) If the transmission is consequent on bankruptcy or insolvency, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy or insolvency:

(3.) If the transmission is consequent on marriage, the declaration of transmission shall be accompanied by a certified copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner:

(4.) If the transmission is by bequest or on intestacy, the declaration of transmission shall be accompanied in England and Ireland by the probate or letters of administration or an official extract therefrom, and in Scotland or in a British possession by the will, or by confirmation, or letters of administration, or such copy of the will, confirmation, or letters of administration, or such other document as by the law of Scotland or of such possession is receivable in the courts of judicature thereof as proof of the title of the person entitled by bequest or on intestacy.

The registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register book the name of the claimant entitled under the transmission as owner of the ship or share the property in which has been transmitted.

Order for sale on transmission to unqualified person. 17 & 18 Vict. c. 104. ss. 62–64.

30. Where any property in a registered ship or share therein is transmitted on death or marriage to a person not qualified to own a British ship, the following provisions shall have effect:—

(1.) The court herein-after mentioned may, on application by or on behalf of such unqualified person, and shall, on application by any other part owner of the ship, order a sale of the property so transmitted, and direct the proceeds thereof, after deducting the expenses thereof, to be paid to the person entitled by transmission, or otherwise as the court think just, and the court may require any evidence in support of the application they think requisite, and may make the order on any terms they think just, or may refuse to make any such order, or may discharge any such order when made, with or without costs, and generally may act in the premises as the case requires:

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(2.) Every such order shall contain a declaration vesting in some person named by the court the right to transfer the ship or share to be sold, and such person shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he was the registered owner thereof; and every registrar shall obey the requisition of such person in respect of any such transfer:

(3.) Every such application for sale shall be made within four weeks after the transmission, or within such further time (not exceeding in the whole one year from the transmission) as the court allow:

(4.) If no such application for an order for sale is made within the time aforesaid, or if the court refuse an order for sale, the ship or share transmitted shall thereupon be forfeited to the Crown.

Court for proceedings for sale. 17 & 18 Vict. c. 104. ss. 62–4.

31. Proceedings for the sale of a ship or share transmitted to an unqualified person shall be taken in the court which has jurisdiction in the place where the port of registry of the ship is situate.

Applications for such sale may be made as follows:

In England and Ireland, in any of Her Majesty's superior courts of law or equity, or in a chief court of admiralty, or to a judge of any such court sitting in chambers, or to a judge of the local court of admiralty:

In Scotland, by summary petition to the court of session.

In any other part of Her Majesty's dominions by an application in a summary manner to the court having the principal civil jurisdiction there:

In any foreign port of registry by application in a summary manner to any British court having Admiralty jurisdiction there:

The application may be made in the manner above mentioned, or in such other manner as the courts may respectively direct.

Power of court to prohibit transfer. 17 & 18 Vict. c. 104. s. 65.

32. Any of the said courts may, if the court think fit (without prejudice to the exercise of any other power of the court), on the application of any interested person, made as aforesaid, and either ex parte or on service of notice on any person as the court may direct, make an order prohibiting for a time specified any dealing with any registered ship or share therein, and the court may make the order on any terms they think just, or may refuse to make any such order, or may discharge any such order when made, with or without costs, and generally may act in the

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Mortgages.

premises as the case requires; and every registrar, without being made a party to the proceeding, shall on being served with the order or an official copy thereof obey the same.

Mortgages.

Mortgage of a ship or share. 17 & 18 Vict. c. 104. ss. 66, 67.

33. A registered ship or a share therein may be made a security for a loan or other valuable consideration, and on the production of the instrument creating such security (in this Act called a mortgage) the registrar of the ship's port of registry shall record it in the register book.

Mortgages shall be recorded by the registrar in the order in which they are produced to him for that purpose, and the registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him, stating the day and hour of such record.

Entry of discharge of mortgage. 17 & 18 Vict. c. 104. s. 68.

34. Where a registered mortgage is discharged, the registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money endorsed thereon, signed and attested, make an entry in the register book to the effect that the mortgage has been discharged, and on such entry being made the interest (if any) which passed to the mortgagee shall vest in the person or persons in whom (having regard to intervening acts and circumstances, if any,) it would have vested if the mortgage had not been made.

Priority of mortgages. 17 & 18 Vict. c. 104. s. 69.

35. If there are more mortgages than one of the same ship or share registered the mortgagees shall, notwithstanding any express, implied, or constructive notice, be entitled in priority, one before the other, according to the dates at which the mortgages are recorded in the register book, and not according to the dates of the mortgages.

Mortgagee not to be owner. 17 & 18 Vict. c. 104. s. 70.

36. Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not be deemed the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be owner thereof by reason of the mortgage.

Mortgagee to have power of sale. 17 & 18 Vict. c. 104. s. 71.

37. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under

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the order of a court of competent jurisdiction, sell the ship or share, without the concurrence of every prior mortgagee.

Certificates of Mortgage and Sale.

Mortgage not affected by bankruptcy. 17 & 18 Vict. c. 104. s. 72.

38. A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the time of his becoming bankrupt had the ship or share in his possession, order, or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim, or interest of the assignees of the bankrupt in or to the ship or share.

Transfer of mortgages. 17 & 18 Vict. c. 104. s. 73.

39. A registered mortgage of a ship or share may be transferred to any person, and on the production of the instrument effecting such transfer the registrar shall enter in the register book the name of the transferee as mortgagee of the ship or share, and shall by memorandum under his hand record on the instrument of transfer that it has been recorded by him, stating the day and hour of such record.

Transmission of interest in mortgage by death, bankruptcy, or marriage. 17 & 18 Vict. c. 104. ss. 74, 75.

40. Where the interest of a mortgagee in a ship or share is transmitted on death, bankruptcy, or insolvency, or on the marriage of a female mortgagee, or otherwise than by a transfer according to this Act, the following provisions shall have effect:—

(1.) The transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, describing the transmission, and be accompanied by the like evidence as is by this Act required in case of a corresponding transmission of the ownership of a ship or share:

(2.) The registrar on the receipt of the declaration, and the production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register book as mortgagee of the ship or share.

Certificates of Mortgage and Sale.

Powers of mortgage and sale may be conferred by certificate. 17 & 18 Vict. c. 104. s. 76.

41. Any registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country in which the port of registry of such ship is situate, may apply to the registrar, who shall thereupon enable him to do so by granting such certificates as are herein-after mentioned, to be called respectively certificates of mortgage or certificates of sale, according as they purport to give a power to mortgage or a power to sell.

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Certificates of Mortgage and Sale.

42. Previously to any certificate of mortgage or sale being granted, the applicant shall state to the registrar, to be by him entered in the register book, the following particulars; (that is to say,)

Requisites for certificates of mortgage and sale. 17 & 18 Vict. c. 104. s. 77.

(1.) The name or names of the person or persons by whom the power mentioned in such certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created, if it is intended to fix any such maximum, and in the case of a sale the minimum price at which a sale is to be made, if it is intended to fix any such minimum:

(2.) The specific place or places where such power is to be exercised, or if no place be specified, a declaration that it may be exercised anywhere, subject to the provisions in this Act contained:

(3.) The limit of time within which such power may be exercised.

Restrictions on certificates of mortgage and sale. 17 & 18 Vict. c. 104. s. 78.

43. No certificate of mortgage or sale shall be granted so as to authorize any mortgage or sale to be made—

If the port of registry of the ship be situate in the United Kingdom, at any place within the United Kingdom; or

If the port of registry be situate within a British possession, at any place within the same British possession; or

If the port of registry be a foreign port of registry, at any place in the foreign state in which such port is situate; or

By any person not named in the certificate.

Forms of certificates of mortgage and sale. 17 & 18 Vict. c. 104. s. 79.

44. Certificates of mortgage and sale shall contain a statement of the several particulars by this Act directed to be entered in the register book on the application for any such certificate, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ships or shares in respect of which such certificates are given.

Rules as to certificates of mortgage. 17 & 18 Vict. c. 104. s. 80.

45. The following rules shall be observed as to certificates of mortgage; (that is to say,)

(1.) The power shall be exercised in conformity with the directions contained in the certificate:

(2.) A record of every mortgage made thereunder shall be registered by an endorsement on the certificate by a registrar or British consular officer:

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(3.) No mortgage bonâ fide made thereunder shall be impeached by reason of the person by whom the power was given dying before the making of such mortgage:

(4.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no mortgage bonâ fide made to a mortgagee without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:

(5.) Every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and if there be more mortgages than one so registered the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which each mortgage is registered on the certificate, and not according to the date of the mortgage:

(6.) Subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as he would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate:

(7.) The discharge of any mortgage so registered on the certificate may be endorsed on the certificate by any registrar or British consular officer, upon the production of such evidence as is by this Act required to be produced to the registrar on the entry of the discharge of a mortgage in the register book; and upon such endorsement being made, the interest, if any, which passed to the mortgagee shall vest in the same person or persons in whom it would (having regard to intervening acts and circumstances, if any,) have vested if the mortgage had not been made:

(8.) Upon the delivery of any certificate of mortgage to the registrar by whom it was granted he shall, after recording in the register book, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel such certificate, and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents.

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Certificates of Mortgage and Sale.

Rules as to certificates of sale.

17 & 18 Vict. c. 104. s. 81.

46. The following rules shall be observed as to certificates of sale; (that is to say,)

(1.) The power shall be exercised in conformity with the directions contained in the certificate:

(2.) No sale bonâ fide made thereunder to a purchaser for valuable consideration shall be impeached by reason of the person by whom the power was given dying before the making of such sale:

(3.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no sale bonâ fide made to a purchaser for valuable consideration without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:

(4.) Any transfer made to a person qualified to be the owner of a British ship shall be by bill of sale in the form in this Act mentioned, or as near thereto as circumstances permit:

(5.) If the ship or share is sold to a person qualified to be the owner of a British ship, then either

(*a.*) The ship shall be registered anew; or,

(*b.*) The certificate of sale, the bill of sale, and the declaration of transfer, and, if the ship be at the place of sale, the certificate of registry, shall be delivered to a registrar or British consular officer, and such registrar or officer shall endorse an entry of the sale on the certificate of sale, and on the certificate of registry (if delivered), and shall forward the certificate of sale with the bill of sale and the declaration of transfer to the registrar of the ship's port of registry, who shall thereupon register the transferee as the owner of the ship or share so transferred.

(6.) If the ship or share is sold to a person not qualified to be the owner of a British ship, the bill of sale by which the ship or share is transferred, the certificate of sale, and the certificate of registry shall be produced to a registrar or British consular officer, who shall retain the certificates of sale and registry, and, having endorsed thereon the fact of such ship or share having been sold to a person not qualified to be the owner of a British ship, shall forward

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such certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of such ship; and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein:

(7.) If upon a sale being made to any unqualified person default is made in the production of such certificates as are mentioned in the last rule, such unqualified person shall be considered by British law as having acquired no title to or interest in the ship; and further, the person or persons upon whose application the certificate of sale was granted, and the person or persons exercising the power, shall each incur a penalty not exceeding one hundred pounds:

(8.) If no sale is made in conformity with the certificate of sale, such certificate shall be delivered to the registrar by whom the same was granted; and such registrar shall thereupon cancel it and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents.

Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.

17 & 18 Vict. c. 104. s. 82.

47. Upon proof at any time to the satisfaction of the Commissioners of Customs that any certificate of mortgage or sale is lost or destroyed, or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised, then upon proof of the several matters and things that have been done thereunder, it shall be lawful for the registrar by whom such certificate was granted, with the sanction of the said Commissioners, as circumstances may require, either to issue a new certificate, or to direct such entries to be made in the register book, or such other matter or thing to be done, as might have been made or done if no such loss, destruction, or obliteration had taken place.

Revocation of certificates of mortgage and sale.

17 & 18 Vict. c. 104. s. 83.

48. The registered owner for the time being of any ship or share in respect of which a certificate of mortgage or sale has been granted, specifying the place or places where the power thereby given is to be exercised, may, by an instrument under his hand, authorize the registrar by whom such certificate was granted to give notice to the registrar or British consular officer at every such place that such certificate is revoked; and notice shall be given accordingly; and every registrar and British consular officer

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Registry anew, and Transfer of Registry.

receiving such notice shall record the same, and shall exhibit the same to all persons who may apply to them for the purpose of effecting or obtaining a mortgage or transfer under the said certificate of mortgage or sale; and after such notice has been so recorded the said certificate shall, so far as concerns any mortgage or sale to be thereafter made at such place, be deemed to be revoked and of no effect; and every registrar or British consular officer recording any such notice shall thereupon state to the registrar by whom the certificate was granted whether any previous exercise of the power to which such certificate refers has taken place.

Registry of Alterations, Registry anew, and Transfer of Registry.

Registry of alterations. 17 & 18 Vict. c. 104. ss. 84–87.

49. Whenever any registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, such alteration shall be forthwith reported:—

(1.) If made at the ship's port of registry, to the registrar of that port:

(2.) If made at any other place, to the registrar at that place, or if there be no registrar there, to the registrar of the first port having a registrar at which the ship arrives after the alteration.

On receiving such report, the registrar shall, in his discretion, either—

(*a.*) Register the alteration, or cause the same to be registered; or

(*b.*) Direct that the ship be registered anew.

Where any registrar, not being the registrar of the ship's port of registry, is of opinion that any ship so altered as aforesaid ought to be registered anew, he shall either grant a provisional certificate, describing the ship as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

Every such provisional certificate, or certificate provisionally endorsed, shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if she be registered in the United Kingdom, or, if she be registered in a British possession, at her port of discharge in that British possession, or if she be registered at a foreign port, at that port, be delivered up to the registrar of the ship's port of registry.

Any ship in the case of which default is made in compliance with the provisions of this section, shall be deemed not duly registered, and shall no longer be recognized as a British ship.

Upon any registry of alterations, the regulations contained in the sixth schedule to this Act shall be observed.

Rectification of Register.

Registry anew.
17 & 18 Vict. c. 104. ss. 81, 85, 88.

50. A ship shall be registered anew—

(1.) When she has been so altered that, in the opinion of the registrar to whom such alterations are reported, registry anew is requisite; or,

(2.) Upon any change of ownership, at the request of the new owner or owners.

When a ship is registered anew her former register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of mortgage entered thereon, but registry anew shall not in any way affect the rights of any person appearing on the former register to be interested in the ship as owner or mortgagee.

Upon any registry anew the regulations contained in the seventh schedule to this Act shall be observed.

Transfer of registry.
17 & 18 Vict. c. 104. ss. 89–91.
18 & 19 Vict. c. 91. s. 12.

51. The registry of any ship may be transferred from one port to another on the application in writing of all persons appearing on the register to be interested therein as owners or mortgagees, but such transfer shall not in any way affect the rights of such persons or any of them.

Upon the transfer of registry of any ship the regulations contained in the eighth schedule to this Act shall be observed.

Rectification of Register.

Rectification of register by court.

52. Any person who feels aggrieved by reason of the register of any ship under this Act being incorrect or defective in any of the matters specified in such register, may apply for an order that the register may be rectified to the same court and in the same manner as an unqualified person may under this Act apply for the sale of a ship or share in a ship transmitted to him.

The court to which such application is made may, on proof that notice of such application has been given to the registrar of the ship's port of registry, and after hearing any objections which he may, by affidavit or otherwise, make to such application, and if satisfied of the justice of the case, make an order for the rectification of the register, and direct the costs of the application to be paid by such parties to it as the court may think just, or may refuse the application with or without costs; and every registrar, without being made a party to the proceeding, shall, upon being served with an order or an official copy thereof, obey the same.

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Registry—Miscellaneous.

Proceedings for rectification.

53. The court, in any proceedings for the rectification of the register, may direct such persons to be made parties to the proceedings as the court may think fit, and may require the applicant, or any of the parties to the proceedings, to give security for the costs thereof, and may decide on any question relating to the title to the ship of any person who is a party to the proceedings, (including the power to declare any person to be trustee of the ship or any share therein for any other person) and may decide on any question which it may be necessary or expedient to decide for the rectification of the register.

The court may direct an issue to be tried, in which trial any question of law may be raised, and if the issue is directed by a Court of Common Law in England, a writ of error or appeal in manner directed by "The Common Law Procedure Act, 1854," shall lie.

The court may direct the notices, summonses, process, and other matters requiring to be served in any such proceedings of the court to be served on persons out of the jurisdiction of the court, and rules and orders respecting such service, and generally respecting the rectification of the register, may from time to time be made in the same manner and by and with the advice and consent of the same persons as rules and orders may for the time being be respectively made respecting service out of the jurisdiction of other notices and matters in the said courts, and respecting similar proceedings in the said courts.

Rectification in other actions or suits.

54. If in any proceedings whatever in any of the said courts in which proceedings can under this Act be taken for the rectification of the register it appears to the court that the register requires to be rectified, the court may make an order for such rectification.

Registry—Miscellaneous.

Terminable certificates of registry in colonies.

31 & 32 Vict. c. 129. ss. 1, 2.

55. It shall be lawful for Her Majesty from time to time, by Order in Council, to make regulations with respect to any British possession named in such order, providing that, on an application for the registry under this Act in that possession of any ship of not exceeding sixty net register tons, the registrar may grant, in lieu of a certificate of registry as required by this Act, a certificate of registry to be terminable at the end of *six* months or any longer period from the granting thereof, and all certificates of registry granted under any such regulations shall be in such form and have effect subject to such conditions as the regulations prescribe.

Any ship to which a certificate is granted under any such regulations shall, while such certificate is in force, and in relation to all things done or omitted during that period, be deemed to be a registered British ship.

Power in special cases to grant a pass to a ship not registered. 17 & 18 Vict. c. 104. s. 98.

56. Where it appears to the Commissioners of Customs that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from one port or place in Her Majesty's dominions or some foreign port of registry, to any other port or place within Her Majesty's dominions or foreign port of registry, it shall be lawful for such commissioners to grant a pass accordingly.

In India any such pass may be granted in respect of any British ship, or of any ship which is owned by or by a subject of any native prince or state in subordinate alliance, or having subsidiary treaties with the Government of India, by such persons, upon such terms, and subject to such conditions, and upon payment of such fees, as may be provided by the legislature of India.

Every such pass shall, for the time and within the limits therein mentioned, have the same effect as a certificate of registry; and the ship in respect of which it is granted shall, for the said time and within the said limits, be deemed to be a British ship registered under this Act, and to belong to the port at which the pass is granted.

Shares in shipping within the Trustee Act, 1850. 18 & 19 Vict. c. 91. s. 10.

57. Shares in ships registered under this Act shall be deemed to be included in the word "stock" as defined by the Trustee Act, 1850, and the provisions of such last-mentioned Act shall be applicable to such shares accordingly.

Equities not excluded by this Act. 25 & 26 Vict. c. 63. s. 3.

58. The term "beneficial interest," where used in this Act, includes interests arising under contract and other equitable interests; and the intention of this Act is, that without prejudice to the provisions of this Act for preventing notice of trusts from being entered in the register book or received by the registrar, and without prejudice to the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees, and without prejudice to the provisions of this Act relating to the exclusion of unqualified persons from the ownership of British ships, equities may be enforced against owners and mortgagees of ships in respect of their interest therein as equities may be enforced against any persons in respect of any other personal property.

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Registry—Miscellaneous.

Liabilities of owners.
17 & 18 Vict. c. 104. s. 100.

59. Where any person is beneficially interested, otherwise than by way of mortgage, in any ship or share in a ship registered in the name of some other person as owner, such person shall, as well as the registered owner, be deemed to be the owner for the purpose of all pecuniary liabilities, civil or criminal, to which the owner of a ship or share is liable under this or any other Act, or otherwise, so nevertheless that proceedings may be taken for the enforcement of any such liabilities and penalties against both or either of the aforesaid parties, with or without joining the other of them.

Forms of instruments, and instructions as to registry.
See 17 & 18 Vict. c. 104. s. 96. 18 & 19 Vict. c. 91. s. 11.

60. The several instruments and documents specified in the ninth schedule to this Act shall be in such forms as are from time to time prescribed by the Commissioners of Customs, with the consent of the Board of Trade; and a registrar shall not be required without the special direction of the Commissioners of Customs to receive and enter in the register book any of the said instruments or documents not made in such form, or containing any particulars other than those so prescribed or otherwise required by this Act; but the said Commissioners shall, before altering such forms, give such public notice thereof as they may think fit.

The Commissioners of Customs shall, with such consent, cause the said forms as well as forms of any other instruments and documents required or authorized to be used by this Act, to be supplied to all registrars under this Act, for distribution to persons requiring to use the same, either free of charge, or at such moderate prices as they may from time to time direct.

The Commissioners of Customs may also, with such consent, for the purposes of carrying into effect the provisions contained in this Act, give such instructions as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to the sufficiency of any evidence required, as to the referring to themselves of any question involving doubt or difficulty, and generally as to any act or thing to be done in pursuance of this Act, as they may think fit.

Power to registrar to dispense with declarations and other evidence.
17 & 18 Vict. c. 104. s. 97.

61. Whenever, in any case in which under this Act any person is required to make a declaration on behalf of himself or of any body corporate, or any evidence is required to be produced to the registrar, it is shown to the satisfaction of the registrar that from any reasonable cause such person is unable to make the declaration, or that such evidence cannot be produced, it shall be lawful for the registrar, with the sanction of the Commissioners of Customs, and upon the production of such other evidence, and subject to such

terms as they may think fit, to dispense with any such declaration or evidence.

Provision for cases of infancy or other incapacity. 17 & 18 Vict. c. 104. s. 99.

62. If any person interested in any ship, or any share therein, is by reason of infancy, lunacy, or other inability incapable of making any declaration or doing any thing required or permitted by this Act to be made or done by such incapable person in respect of registry, then the guardian or committee, if any, of such incapable person, or, if there be none, any person appointed by any court possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making of such declaration or doing of such thing, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person; and all acts done by such substitute shall be as effectual as if done by the person for whom he is substituted.

Declarations before whom to be made. See 17 & 18 Vict. c. 104. ss. 31, 38.

63. Declarations required by this Act shall be made before a registrar or justice of the peace, or if there be no registrar or justice of the peace in any place, before a British consular officer; if it be made to appear to Her Majesty in Council, with reference to any place within Her Majesty's dominions, that such declarations may be more conveniently made before some other persons than those in this section specified, the said declarations shall be made in such place, before such persons, and in accordance with such regulations as Her Majesty may by order in Council determine.

Indemnity to registrar. 17 & 18 Vict. c. 104. s. 93.

64. No registrar shall be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of registrar, unless the same has happened through his neglect or wrongful act.

Returns to be made by registrars to Commissioners of Customs. 17 & 18 Vict. c. 104. s. 94.

65. Every registrar shall, at such times as may be fixed by the Commissioners of Customs, transmit to the Chief Registrar of Shipping at the Custom House in London a full return in such form as the said Commissioners may direct of all registries, transfers, transmissions, mortgages, and other dealings with ships which have been registered by or communicated to him in his character of registrar, and of the names of the persons who have been concerned in the same, and of such other particulars as may be directed by the said Commissioners, and also transmit such documents delivered to him in his capacity of registrar, as may be so directed.

National Character and Flag.

Evidence of register book, certificate of registry and other documents. 17 & 18 Vict. c. 104. s. 107. 18 & 19 Vict. c. 91. s. 15.

66. A register book and a certificate of registry under this Act purporting to be signed by the registrar or other proper officer shall be primâ facie proof of all matters contained or recited in such register book or certificate.

Every such register book and certificate, and every declaration and document relative to any British ship, and in pursuance of this Act made or delivered to any registrar or British consular officer, may be proved in any court, or before any person having by law, or by consent of parties, authority to receive evidence, either by the production of the original or an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the registrar or other person having the charge of the original.

Transcripts of the register of British ships kept by the Chief Registrar of Shipping at the Custom House in London, and by the Registrar General of Seamen, shall have the same effect to all intents as the original register from which they are taken, and shall be deemed for the purposes of this section to be such original.

Inspection and copies of register books. 17 & 18 Vict. c. 104. ss. 92. 107.

67. Every person, upon payment of fees not exceeding *one shilling* each, to be fixed by the Commissioners of Customs, may upon application to the registrar at a reasonable time during the hours of his official attendance, have access to any register book for the purpose of inspection, and shall be entitled to have a certified copy of any register book, declaration, or document, a copy of which is made evidence by this Act.

Application of fees. 17 & 18 Vict. c. 104. s. 95.

68. All fees authorized to be taken under this Act shall, if taken in any part of the United Kingdom, be paid into the receipt of Her Majesty's Exchequer, as the Treasury may direct, but if taken in any other part of Her Majesty's dominions shall be disposed of in such way as the Executive Government of the British possession in which they are taken may direct; and if taken at any foreign port of registry shall be disposed of as Her Majesty may by Order in Council direct.

National Character and Flag.

National character of ship to be declared before clearance. 17 & 18 Vict. c. 104. ss. 19, 210.

69. The master of every ship, British or foreign, shall, whenever required by any principal officer of customs, declare to such officer the name of the nation to which he alleges that she belongs, and such officer shall, on such declaration being made, inscribe that name on the clearance or transire.

The master of every British ship shall, whenever required by any

British officer of customs or British consular officer, produce to such officer her certificate of registry or other national papers.

Any officer of customs may detain any such ship until such declaration is made or certificate or other papers is or are produced as required by this section.

Disabilities of ship not British or not recognized as British.

70. Any ship which either,—

(1.) Is not a British ship as defined by this Act, or

(2.) Being a British ship as so defined, is not entitled to be recognized as a British ship,

shall not be entitled to use the British flag or assume the British national character, or enjoy any benefit, privilege, advantage, or protection usually enjoyed by British ships.

See 17 & 18 Vict. c. 104. ss. 18, 106.

Ships unduly registered may be struck off register.

71. If any person obtains a British registry for any ship owned in whole or in part by persons not qualified by law to own British ships, it shall be lawful, as respects ships registered in the United Kingdom, for the Commissioners of Customs, with the consent of the Board of Trade, and as respects ships registered in any British possession for the governor of that possession, and as respects ships registered in a foreign port of registry for the officer appointed in that behalf by Order in Council, to strike such ship off the register.

17 & 18 Vict. c. 104. s. 103.

Using British flag or assuming British character.

72. If any person uses the British flag on board any ship owned in whole or in part by persons not entitled by law to own British ships, and fails to show that he has used the same for some lawful purpose, he shall for each offence incur a penalty not exceeding fifty pounds; and the flag may be hauled down by any officer who is empowered by this Act to haul down colours improperly hoisted on board any ship or boat belonging to any British subject.

17 & 18 Vict. c. 104. ss. 103–105.

Assumption of foreign character.

73. No master or owner of a ship belonging wholly to persons qualified to be owners of British ships, and no person on board of any such ship shall, by reason that such ship has acquired a foreign register or uses a foreign flag, be exempt from any liabilities, civil or criminal, to which, but for such circumstances, he would be subject under the provisions of any British law; but nothing in this section shall interfere with the jurisdiction of any foreign nation over such ship.

17 & 18 Vict. c. 104. s. 103.

Liabilities of ships not British nor recognized as British.

74. In the following cases, namely,—

(1.) Where a ship, not being a British ship as defined by this Act, uses the British flag or assumes the British national character; and

(2.) Where a British ship is not entitled to be recognized as a British ship;

See 17 & 18 Vict. c. 104. ss. 18, 106.

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Forfeiture of Ship.

such ship shall, for the purpose of the liabilities, civil and criminal, of and the jurisdiction of courts over such ship, and her owner, master, and crew, and any person on board or belonging to such ship, and for the purpose of all matters relative thereto, be deemed to be a British ship.

Carrying improper colours.

17 & 18 Vict. c. 104. ss. 103 (1), and 105.

75. If the pendant or any colours usually carried by Her Majesty's ships, or any pendant or colours resembling the same, is or are hoisted on board any vessel belonging to a British subject, or if any distinctive national colours, British or foreign, except either the red ensign usually carried by merchant ships, or the union jack with a white border, are hoisted on board any vessel belonging to any British subject, in the manner and at the place in and at which distinctive national colours are usually hoisted, without authority from the Crown or the Admiralty (proof of which authority shall lie on the party accused), the master of the vessel, or the owner thereof if on board the same, and every other person hoisting the same, shall for every such offence incur a penalty not exceeding fifty pounds.

In any such case, any commissioned officer on full pay in the military or naval service of the Crown, or any British officer of customs, or any British consular officer, may give notice to the master of the ship to haul down the pendant or colours improperly hoisted, and if such notice be not forthwith complied with he may board the vessel, and seize and take away the pendant or colours hoisted in contravention of this section, and such pendant or colours shall be forfeited to the Crown, and shall be dealt with as the Board of Trade direct.

Forfeiture of Ship.

Proceedings on forfeiture of ship.

17 & 18 Vict. c. 104. s. 103.

76. Where any ship has either wholly or as to any share therein become subject to forfeiture under this Act, the following persons, that is to say,

(1.) Any commissioned officer on full pay in the military service of the Crown, under directions from the commander-in-chief;

(2.) Any commissioned officer on full pay in the naval service of the Crown, under directions from the Admiralty;

(3.) Any officer of customs in the United Kingdom, under directions from the Commissioners of Customs or from the Board of Trade;

(4.) Any officer of customs in any British possession, under directions from the governor of such possession; and

(5.) Any British consular officer, under directions from one of Her Majesty's Principal Secretaries of State,

may seize and detain the ship, and bring her for adjudication, in the United Kingdom, before any chief court of admiralty, and elsewhere before any British court having admiralty jurisdiction, and the court may thereupon make such order in the case as to the court seems just; and the proceeds of the sale of such ship shall be paid into Her Majesty's Exchequer in such manner as the Treasury direct, and the Treasury may award to the officer bringing in the ship for adjudication such portion of the proceeds as they think fit; and such officer shall be entitled to receive the same accordingly.

Protection of officers seizing and detaining. 17 & 18 Vict. c. 104. s. 104.

77. Where under this Act a ship has been seized or detained the officer seizing or detaining the same shall not be responsible either civilly or criminally to any person whomsoever in respect of the seizure or detention, notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, in case it is shown to the satisfaction of the court before whom any trial relating to the ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown the court may award costs and damages to any party aggrieved, and may make such other order in the premises as to the court seems just.

Registrars.

Registrars of British ships. See 17 & 18 Vict. c. 104. ss. 30., 31. 32 & 33 Vict. c. 11. s. 6.

78. The persons mentioned in the tenth schedule to this Act shall be registrars for the purposes of this Act and shall register British ships in accordance with this Act.

Foreign ports of registry.

79. Where, in accordance with the Foreign Jurisdiction Acts Her Majesty exercises jurisdiction within any port out of Her Majesty's dominions, it shall be lawful for Her Majesty from time to time, by Order in Council, to declare such port a port of registry (in this Act referred to as a foreign port of registry), and by the same or any subsequent Order in Council to declare the description of persons who are to be registrars of British ships at such foreign port of registry, and to make regulations with respect to the registry of British ships thereat.

Upon such order coming into operation it shall have effect as if it were enacted in this Act, and this Act shall, subject to any exceptions and regulations contained in the order, apply in the same manner as near as may be as if the port mentioned in the order were an ordinary port of registry.

A.D. 1871.

Forgery and false Declarations.

Forgery and false Declarations.

80. Every person who forges, or fraudulently alters, or knowingly makes any false entry in, or fraudulently omits to make any entry in, any of the following documents, viz. :—

Forgery of documents. 17 & 18 Vict. c. 104. s. 101.

Any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under this Act:

And every person who—

Knowingly utters or uses any such document which has been forged or fraudulently altered, or in which any false entry has been made, or from which any entry has been fraudulently omitted;

shall be guilty of felony, and be liable, at the discretion of the court before which he is convicted, to penal servitude for a term not exceeding *seven years*, or to imprisonment for any term not exceeding *two years*, with or without hard labour, or, if prosecuted and convicted before a court of summary jurisdiction, to imprisonment for a period not exceeding *six months*, with or without hard labour.

False declarations. 17 & 18 Vict. c. 104. s. 41.

81. Every person who, in the case of any declaration made in the presence of or produced to a registrar under this Act, or any certificate, document, or evidence produced to such registrar, or any statement concerning the name of any ship, or the title to or ownership of, or the interest existing in any ship, or any share in any ship, commits any of the following offences; that is to say,—

(1.) Knowingly makes any declaration, representation, or statement, or gives any evidence which is false in any particular; or

(2.) Knowingly utters, produces, or makes use of any such false declaration, representation, statement, or evidence, or any document containing the same;

shall be guilty of a misdemeanor.

17 & 18 Vict. c. 104. s. 52.

Where any person is convicted under this section of making a false declaration touching the qualification of himself or any other person to own a British ship, or any share therein, the ship or share in respect of which such declaration is made shall, to the extent of his interest therein and also of such other person unless it is proved that he had no authority from such person to make the same, be forfeited to the Crown.

A.D. 1871.

Measurement of Ship and Tonnage.

Measurement of Ship and Tonnage.

82. The gross register tonnage of every ship shall be deemed to be the cubical contents of the hull of the ship, and of every covered-in space on the upper deck. The contents of such spaces shall be determined in the manner specified in the regulations contained in the eleventh schedule to this Act, or substituted therefor as provided in this Act; such regulations, or any of them, may from time to time be altered by the Commissioners of Customs, with the consent of the Board of Trade, and the regulations for the time being in force, together with the provisions of this Act relating to tonnage, are in this Act referred to as the tonnage regulations of this Act.

Gross register tonnage. 17 & 18 Vict. c. 104. ss. 20–24.

83. The net register tonnage of sailing ships shall be deemed to be the gross register tonnage as above described, less the space occupied by seamen and apprentices, and appropriated to their use. The net register tonnage of ships propelled by steam or other power requiring engine room shall be deemed to be the gross register tonnage as above described, less the space occupied by seamen and apprentices, and appropriated to their use, and also less the space occupied by the engine room and adjoining coal bunkers. The contents of the said crew spaces and engine spaces, and the deductions on account thereof, shall be determined in manner specified in the tonnage regulations of this Act.

Net register tonnage. 17 & 18 Vict. c. 104. ss. 20–24.

84. Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations, the same shall thenceforth, save as is otherwise expressly provided by this Act, be deemed to be the tonnage of such ship, and shall be repeated in every subsequent registry thereof, unless any alteration is made in the form, internal arrangement, or capacity of such ship, or unless it is discovered that the tonnage of such ship has been erroneously computed; and in either of such cases such ship shall be remeasured, and her tonnage determined and registered according to the tonnage regulations of this Act.

Tonnage when once ascertained to be ever after deemed the tonnage. 17 & 18 Vict. c. 104. s. 26.

85. Whenever it appears to Her Majesty in Council that the tonnage regulations of this Act have been adopted by the Government of any foreign country, and are in force there, whether without modification or with such modifications only as appear to Her Majesty in Council immaterial, Her Majesty may by Order in Council direct that the ships of that country shall, and such ships shall accordingly be deemed for all purposes in Her Majesty's dominions to be of the tonnage denoted in their certificates of registry or other national papers.

Ships of foreign countries adopting tonnage regulations of Act need not be remeasured. 25 & 26 Vict. c. 63. s. 60.

A.D. 1871.

Measurement of Ship and Tonnage.

Remeasurement of ships registered before Act.

17 & 18 Vict. c. 104. s. 27.

86. The tonnage regulations of this Act shall not make it necessary to alter the tonnage of any British ship registered before the commencement of this Act, or before the regulations come into operation, but if the owner of a ship registered as by law required at the commencement of this Act, or at the date when the tonnage regulations come into operation, desires that the entry of the ship's tonnage in the register book should be according to measurement under the tonnage regulations of this Act, he may apply to the Commissioners of Customs for permission to have the ship measured again according to such tonnage regulations, and the Commissioners of Customs may thereupon, and on payment by him of the prescribed fee not exceeding seven shillings and sixpence for each transverse section, direct the same to be measured again, and the entry in the register book shall be altered accordingly.

Penalty on carrying cargo or passengers in space deducted from tonnage.

87. No cargo or passengers shall be carried in any space deducted from gross register tonnage either in respect of the accommodation of seamen or apprentices or for engine room or coal bunkers; and no stores other than coals for the voyage shall be carried in any space deducted from gross register tonnage in respect of engine room or coal bunkers.

In case of any breach of this enactment the master, and also the owner if in fault, shall for each offence incur a penalty not exceeding *one hundred* pounds, or if the space so occupied exceeds one thousand cubic feet not exceeding *ten* pounds for every one hundred cubic feet so occupied.

If any space deducted in respect of the accommodation of crew is altered so as not to satisfy the provisions of the Act, or is applied to any other purpose, the said space shall thereupon be and be deemed to be added to the net register tonnage.

Surveyors and regulations for measurement of ships.

17 & 18 Vict. c. 104. s. 29.

88. The Commissioners of Customs may, from time to time, with the approval of the Treasury, appoint such persons as they think fit to be surveyors for the purposes of this Act, and to superintend the survey and measurement of ships, and may, with the approval of the Board of Trade, make regulations respecting the performance of the duties of such surveyors.

Meaning of register tonnage in relation to dues.

89. Where under the provisions of this or any other Act fees or dues are charged on a ship in proportion to her register tonnage, such tonnage shall be deemed to be the net register tonnage of the ship.

A.D. 1871.

Stamps.

Colonies.

90. Instruments used in the execution of this Act, and instruments required by this Act to be made in forms approved by the Board of Trade, if made in such forms, shall be exempt from stamp duty.

Exemption from stamp duty.

17 & 18 Vict. c. 104. s. 9.

Colonies.

91. After the commencement of this Act the Legislature of a British possession, by any Act or ordinance, from time to time, may regulate the coasting trade of that British possession, subject in every case to the following conditions:

Regulation of coasting trade by colonial legislature.

32 & 33 Vict. c. 11. s. 4.

(1.) The Act or ordinance shall be reserved for the signification of Her Majesty's pleasure, or shall contain a suspending clause providing that such Act or ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed:

(2.) The Act or ordinance shall treat all British ships (including the ships of any British possession) in exactly the same manner as ships of the British possession in which it is made:

(3.) Where by treaty made before the commencement of this Act Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or ordinance to the contrary notwithstanding.

92. In every British possession the governor of such possession shall, subject to the provisions of any Order in Council which may be made in pursuance of this Act, occupy the place of the Commissioners of Customs with regard to the performance of anything relating to the registry of a ship or any interest in a ship registered in such possession.

Governors to occupy place of Commissioners of Customs in colonies.

See 18 & 19 Vict. c. 96. s. 16.

SCHEDULES TO REGISTRY ACT.

FIRST SCHEDULE.

Regulations as to particulars to be marked on Ship before Registry.

The name of the ship, and the name of her port of registry shall be marked on each side of her stem and on her stern, on a dark ground in white or yellow letters, of a length not less than four inches, and of proportionate breadth and thickness.

The official number of the ship shall be marked in each place close to her name.

The number denoting her registered tonnage shall be marked on her main beam.

The scale of feet denoting her draught of water shall be marked in Roman capital letters, six inches in length, the lower line of such letters to coincide with the draught line denoted thereby.

SECOND SCHEDULE.

Regulations as to Declaration to be made, and Evidence to be produced on Registry of Ship.

The declaration shall refer to the ship as described in the surveyor's certificate, and shall contain the following particulars—

(1.) A statement of the qualification of the applicant to own a British ship.

(2.) A statement of the name of the ship.

(3.) A statement of the name or names of the owner or owners, and of the managing owner or owners of the ship.

(4.) A statement of the time when and the place where she was built, or if she is foreign built, and the time or place of building is not known to the declarant, a statement that she is foreign built, and that the declarant does not know the time or place of her building, and, in the case of a ship condemned, a statement of the time, place, and court at and by which she was condemned.

(5.) A statement of the name of the master, if appointed.

(6.) A statement of the number of shares in the ship which the applicant owns.

(7.) A declaration, to the best of the declarant's knowledge and belief, that no unqualified person owns any legal or beneficial interest in the ship or in any share therein.

(8.) A declaration, to the best of the declarant's knowledge and belief, of all the previous names (if any) which the ship has at any time borne, and

that the ship has never borne any other name than the name or names specified in the declaration.

On the first registry of a ship there shall, besides the declaration of ownership, be produced the following evidence:—

(1.) In the case of a British-built ship, a certificate (which the builder is hereby required to grant under his hand), containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account he built the same, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registry.

(2.) In the case of a foreign-built ship, the same evidence as in the case of a British-built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, so that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, became vested in the applicant for registry.

THIRD SCHEDULE.

Particulars to be entered in Register Book on Registry.

1. The name and previous names (if any) of the ship, and the name of the port to which she belongs.
2. Her official number.
3. The details comprised in the surveyor's certificate.
4. The particulars respecting her origin stated in the declaration of ownership.
5. The name and description of her registered owner or owners, and, if there are more owners than one, the proportions in which they are interested in her.
6. The name or names of the managing owner or owners.

FOURTH SCHEDULE.

Particulars to be stated in Provisional Certificate.

1. The name of the ship.
2. The time and place of her purchase, and the name or names of her purchaser or purchasers.
3. The name or names of her managing owner or owners.
4. The name of her master, if appointed.
5. The best particulars respecting her tonnage, build, and description which the officer granting the certificate is able to obtain.

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FIFTH SCHEDULE.

Particulars to be stated in Declaration of Transfer.

A statement of the qualification of the transferee to own a British ship.

The name or names of the managing owner or managing owners of the ship.

A declaration that, to the best of the declarant's knowledge and belief, no unqualified person owns any legal or beneficial interest in the ship or share.

SIXTH SCHEDULE.

Regulations to be observed on Registry of Alterations.

Before the registry of any alteration in a ship, there shall be produced to the registrar,—

(1.) The ship's certificate of registry.

(2.) A certificate, under the hand of a competent surveyor, stating the particulars of the alteration.

The registrar shall, in his discretion, either retain the certificate of registry, and grant a new certificate of registry containing a description of the ship as altered, or endorse and sign on the existing certificate a memorandum of such alteration.

The registrar of the ship's port of registry shall enter in his register book the particulars of the alteration so made, and the fact of such new certificate having been granted, or endorsement having been made; and for that purpose the registrar to whom the alteration is reported, if he is not the registrar of the ship's port of registry, shall forthwith report to such last-mentioned registrar such particulars and facts as aforesaid, accompanied by the old certificate of registry in cases where a new one has been granted.

Where after a ship has been altered the registrar grants a provisional certificate, or provisionally endorses the ship's existing certificate, he shall take care to add to such certificate or endorsement a statement that the same is made provisionally, and to insert a like statement in his report to the registrar of the ship's port of registry.

SEVENTH SCHEDULE.

Regulations to be observed on Registry anew.

Before a ship is registered anew—

(1.) There shall be produced to the registrar—

(*a.*) The ship's certificate of registry.

(*b.*) If the registry anew is consequent on alterations in the ship, a certificate under the hand of a competent surveyor, stating the particulars of such alterations.

(*c.*) If the registry anew is consequent on a sale made under a certificate of sale, such certificate of sale.

(2.) The other requisites to registry under this Act, or such of them as the registrar thinks material, shall be complied with.

Upon such registry anew—

(1.) The registrar shall enter in his register book notice of all unsatisfied mortgages and existing certificates of mortgage entered in the ship's former register (or, in the case of sale under a certificate of sale, registered on or enumerated in such certificate).

(2.) The registrar, if he be the registrar of the ship's former port of registry, shall retain the ship's former certificate of registry, and if he be not such registrar, shall endorse a memorandum of the registry anew on such certificate, and forward the same to the registrar of the ship's former port of registry.

Upon any registry anew consequent on change of ownership, the description of the ship contained in her original register may be transferred to the new register book without her being re-surveyed.

EIGHTH SCHEDULE.

Regulations to be observed on Transfer of Registry.

Before the registry of a ship is transferred from one port to another, the following things shall be done:—

(1.) The ship's certificate of registry shall be delivered up to the registrar either of the existing or of the intended port of registry.

(2.) The registrar of the existing port of registry shall transmit to the registrar of the intended port of registry notice of the application for transfer, with a copy of all particulars relating to the ship, and the names of all persons appearing on the register to be interested therein as owners or mortgagees, and the certificate of registry, if delivered to him.

(3.) The name of the ship's intended port of registry shall be substituted for the name of her existing port of registry on the ship's stem and stern.

The registrar of the intended port of registry shall enter in his register book all the particulars and names so transmitted as aforesaid, and grant a fresh certificate of registry.

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NINTH SCHEDULE.

Documents of which the forms are to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade.

Certificate of surveyor.
Declaration of ownership by individual owner.
Declaration of ownership on behalf of a body corporate as owner.
Certificate of registry.
Declaration of loss of certificate of registry.
Provisional certificate.
Terminable colonial certificate.
Bill of sale.
Declaration of ownership by individual transferee.
Declaration of ownership on behalf of a body corporate as transferee.
Declaration of owner taking by transmission.
Mortgage.
Transfer of mortgage endorsed on original mortgage.
Declaration by mortgagee taking by transmission.
Certificate of mortgage.
Certificate of sale.
Revocation of certificate of sale or mortgage.

TENTH SCHEDULE.

Registrars of British Ships.

Registrars of British Ships.

(1.) At any port or place in the United Kingdom, or Isle of Man, approved by the Commissioners of Customs for the registry of ships, the collector, or other principal officer of customs:

(2.) In Guernsey and Jersey, the principal officer of customs:

(3.) In Malta, Gibraltar, and Heligoland, the governor or any officer appointed by him:

(4.) At Calcutta, Madras, and Bombay, the master attendant:

(5.) At any other port or place in any British possession, approved by the governor of such possession for the registry of ships, the collector or other principal officer of customs, or, if there is no such officer there resident, the governor of the possession in which such port or place is situate, or any officer appointed for the purpose by such governor.

ELEVENTH SCHEDULE.

Tonnage Regulations.

Rules for Measurement of Tonnage.

Rules for Measurement of Tonnage.

N.B. Throughout the following rules the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships; and in carrying such rules into effect all measurements shall be taken in feet, and fractions of feet shall be expressed in decimals.

Tonnage deck: feet: decimals.

Rule I.

I. The gross register tonnage of every ship to be registered, with the exceptions mentioned in Rule II., shall previously to her being registered be ascertained by the following rule, herein-after called Rule I.; and the gross register tonnage of every ship to which Rule I. can be applied, whether she is about to be registered or not, shall be ascertained by such rule:

For ships to be registered and other ships of which the hold is clear.

(1.) Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be, (average thickness,) deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs:

Lengths.

Table.

Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, into 4 equal parts:

„ 2. Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120, into 6 equal parts:

„ 3. Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180, into 8 equal parts:

„ 4. Ships of which the tonnage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts:

„ 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 parts:

(2.) Then the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such ship at each point of division of the length as follows:—Measure the depth at each point of division, from a point at a distance of one third of the round of the beam below such deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deduct-

Transverse areas.

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Rules for Measurement of Tonnage.

ing the average thickness of the ceiling which is between the bilge planks and limber strake; then if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above (*i.e.* numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadths and the seventh; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

Computation from areas.

(3.) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the gross register tonnage under the tonnage deck in the following manner:—Number the areas respectively 1, 2, 3, *&c.*, No. 1 being at the extreme limit of the length at the bow, and the last No. at the extreme limit at the length at the stern; then, whether the length be divided according to the table into four or twelve parts as in classes 1 and 5, or any intermediate number as in classes 2, 3, and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient shall be deemed to be the gross register tonnage under the tonnage deck.

In case of decks above the tonnage.

(4.) If the ship has a deck above the tonnage deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively

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Rules for Measurement of Tonnage.

1, 2, 3, &c., commencing at the stem; multiply the second and all the other even numbered breadths by four, and the third and all the other odd numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths; multiply the whole sum by one third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of such space; measure the mean height of such space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the gross register tonnage of such space. If the ship has more than three decks, the gross register tonnage of each space between decks above the tonnage deck shall be severally ascertained in manner above described.

Poop, deck house, forecastle, and any other closed-in space.

(5.) If there be a poop, deck house, forecastle, or any other permanent erection or closed-in space on the uppermost deck, available for cargo or stores, or for the berthing or accommodation of passengers or the master or crew, the gross register tonnage of such space shall be ascertained as follows:—measure the internal mean length of such space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one third of the common interval between the breadths, the product will give the mean horizontal area of such space; then measure the mean height, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the gross register tonnage of such space. Provided that no addition shall be made to the gross register tonnage of a ship on account of spaces on deck covered in for the shelter of deck passengers and appropriated exclusively to their use, and approved for that purpose by the Board of Trade.

Gross register tonnage.

(6.) In order to ascertain the gross register tonnage of the ship add together—

(*a.*) The gross register tonnage under the tonnage deck ascertained in accordance with paragraph three of this rule:

(*b.*) The gross register tonnage of the space or spaces between the tonnage deck and the deck or decks (if any), above the tonnage deck, ascertained in accordance with paragraph four of this rule:

(*c.*) The gross register tonnage of the poop, deck, forecastle, and of all other permanent erections and covered-in spaces on the upper deck (if any), ascertained in accordance with paragraph five of this rule.

And the total shall be deemed to be the gross register tonnage of the ship.

Rule II.

For ships not requiring

II. Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for

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Rules for Measurement of Tonnage.

the purpose of registry, cannot be measured by the rule above given, shall be measured by the following rule, herein-after called rule II.:

registry with cargo on board.

(1.) Measure the length on the uppermost deck from the outside of the outer plank at the stem to the aftside of the stern post, deducting therefrom the distance between the aftside of the stern post and the rabbet of the stern post at the point where the counter plank crosses it; measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girt the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of ship taken as aforesaid; then multiply this product by the factor ·0017 (seventeen ten-thousandths) in the case of ships built of wood, and ·0018 (eighteen ten-thousandths) in the case of ships built of iron, and the product shall be deemed the gross register tonnage of the ship.

Length.

Breadth.

Girting of the ship.

Poop, deck-house, forecastle, and other closed-in spaces on upper deck.

(2.) If there be a poop, deck house, forecastle, or any other permanent erection or covered-in space on the upper deck, the gross register tonnage of such space shall be ascertained by multiplying together the mean length, breadth, and depth of such space, and dividing the product by 100, and the quotient so obtained shall be deemed to be the gross register tonnage of such space.

Rule III.

Allowance for crew spaces in all ships.

III. The allowance to be made on account of space occupied in any ship by seamen and apprentices, and entirely and exclusively appropriated to their use, shall be ascertained as follows; (that is to say,)

Measure the internal cubic capacity of all spaces occupied by seamen or apprentices, and entirely and exclusively appropriated to their use, and divide the sum of such cubic contents expressed in feet and fractions of feet by 100, and the quotient shall be deemed to be the tonnage to be deducted from the gross register tonnage on account of crew spaces, subject to the following provisoes; vizt., (1) that no deduction shall be made for any crew space under these regulations, unless and until a surveyor appointed by the Board of Trade has certified that the regulations respecting crew spaces for the time being in force under the Merchant Shipping Code (Masters and Seamen Act), 1871, are complied with; and (2) that the allowance for crew spaces ascertained under this rule shall not exceed the rate of 300 cubic feet for every 100 tons of the ship's gross register tonnage.

Rule IV.

Allowance for engine room in steamers.

IV. The allowance to be made for the space occupied by engine room shall be estimated as follows; (that is to say,)

The allowance shall consist of the tonnage of the space actually occupied by or required to be enclosed for the proper working of the machinery and boilers, and of all permanently constructed and properly enclosed coal bunkers from which the coals can be trimmed direct into the machinery

Rules for Measurement of Tonnage.

space: Provided that, except in the case of steamers used exclusively for the purpose of towing, the allowance made for the propelling power shall not exceed one half of the gross tonnage of the ship. The measurement and use of such space shall be governed by the following rules; (that is to say,)

(1.) Measure the mean length of the engine room, inclusive of coal bunkers, as above described; then measure three transverse areas to the height of the engine room deck or first deck above the machinery, one at each end of the length and the other at the middle point between them, in the same manner as herein-before described for ascertaining the areas for the tonnage of the ship; to the sum of the two end areas add four times the middle area; multiply the whole sum by one third of the common interval between the areas, and the product will be the cubical contents of the space. Divide this product by one hundred, and the quotient shall be deemed to be the tonnage of the said space:

(2.) If the aforesaid deck is not the upper deck of the ship, the tonnage of the space or spaces between decks framed in for inclosing the machinery or for the admission of light and air, found by multiplying together the mean length, breadth, and depth thereof, shall be added to the tonnage of the space already computed:

In case of separate compartments.

(3.) If in any ship the machinery boilers or such coal bunkers as aforesaid be fitted in separate compartments, the contents of the space occupied by them in each compartment shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space:

Shaft trunk of screw steamer.

(4.) In the case of screw steamers, the contents of the shaft trunk shall be added to and deemed to form part of such space, and shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing the product by one hundred.

Rule V.

Open ships how measured.

V. In ascertaining the gross register tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line extended from upper edge to upper edge of the said strake at each division of the length.

Rule VI.

Ships measured under Rule II. may be measured under Rule I.

VI. The owner of any ship which is measured under Rule II. of the tonnage regulations may at any subsequent period apply to the Commissioners of Customs to have the said ship remeasured under Rule I. of the same regulations; and the said commissioners may thereupon, and upon payment of such fee not exceeding seven shillings and sixpence for each transverse section as they may authorize, direct the said ship to be remeasured accordingly, and the number denoting the register tonnage shall be altered accordingly.

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Certificates of Masters, Mates, and Engineers.

PART II.

Masters and Seamen Act.

Preliminary.

Short title.

93. This Act may be cited as the Merchant Shipping Code (Masters and Seamen Act), 1871.

Incorporation of certain sections of General Provisions Act.

94. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1871, relating to Legal Procedure, Orders in Council, Inspectors, Surveyors, Detention of Ship, and Construction.

Certificates of Competency.

Certificates of competency to be granted.

95. Certificates of competency shall be granted, in accordance with the provisions of this Act, for each of the following grades; that is to say,

Master of a foreign-going ship:
First mate of a foreign-going ship:
Second mate of a foreign-going ship:
Master of a coasting passenger ship:
Mate of a coasting passenger ship:
First-class engineer:
Second-class engineer.

Examinations to be held.
17 & 18 Vict. c. 104. ss. 131, 132.

96. For the purpose of granting certificates of competency as masters, or mates, or engineers, to persons desirous of obtaining the same, examinations shall be held at such places in the United Kingdom as the Board of Trade direct.

The Board of Trade may appoint times for such examinations, and may appoint, remove, and re-appoint examiners to conduct the same, and may from time to time make, alter, and revoke rules as to the conduct of such examinations and as to the qualification of the applicants.

Fees to be paid by applicants for examination.
17 & 18 Vict. c. 104. s. 133.

97. All applicants for examination shall pay such fees, not exceeding the sums specified in the first schedule to this Act, as the Board of Trade direct, and such fees shall be paid to such persons as the said Board appoint for that purpose.

Certificates of Masters, Mates, and Engineers.

98. The Board of Trade shall deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct, such a certificate of competency as the case requires.

Grant of certificates on passing examination. 17 & 18 Vict. c. 104. s. 134.

99. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a coasting passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a coasting passenger ship shall entitle the holder to go to sea as master, or mate, or engineer of a foreign-going ship.

Certificates for foreign-going ships available for coasting passenger ships. 17 & 18 Vict. c. 104. s. 137.

100. All certificates of competency shall be made in such form and subject to such regulations as the Board of Trade direct, and a record of such certificates shall be kept by such person and in such manner as the said Board direct.

Form and record of certificate. 17 & 18 Vict. c. 104. s. 138.

101. Whenever any master or mate or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of any certificate already granted to him, the Board of Trade shall, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be made out and certified by the person appointed to keep the record, and to be delivered to him; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original.

In case of loss a copy to be granted. 17 & 18 Vict. c. 104. s. 139. 25 & 26 Vict. c. 63. s. 10.

102. The Board of Trade may grant, with or without examination, to any pilot licensed under the Merchant Shipping Code (Pilotage Act), 1871, a licence to act as master or mate (as the case may be), of a coasting passenger ship within the limits within which he is qualified to act as pilot.

Board of Trade may license pilots to act as masters or mates.

Such licence shall be in such form and shall be granted for such time and upon such conditions as the Board of Trade think fit. It shall, during that time, and subject to those conditions, have, for the purposes of navigation within the said limits, the same effect as a certificate of competency of a like grade granted under this Act.

103. Where the legislature of any British possession provide for the examination of and grant of certificates of competency to persons intending to act as masters, mates, or engineers on board ships,

Colonial certificates to masters, mates, and engineers.

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Certificates of Masters, Mates, and Engineers.

32 & 33 Vict. c. 11. s. 8. 17 & 18 Vict. c. 104. s. 131. et seq. 25 & 26 Vict. c. 63. s. 5. et seq.

and the Board of Trade report to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for Her Majesty from time to time by Order in Council,—

1. To declare that the said certificates shall be of the same force as if they had been granted under this Act:
2. To declare that all or any of the provisions of this Act, and of the said regulations, which relate to certificates of competency granted under this Act, shall apply to the certificates referred to in the said Order: and
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

It shall be lawful for Her Majesty in Council, on a report from the Board of Trade, to revoke any order made under this section.

Officers of certain ships how to be qualified. 17 & 18 Vict. c. 104. s. 136.

104. Every ship, not exempted as in this Act mentioned, shall, when navigating from any place in the United Kingdom, be provided with officers duly certificated under this Act according to the following scale:—

(1.) If she be a ship of 100 net register tons or upwards, or a steam ship, with a master and first mate duly certificated:

(2.) If she be a foreign-going ship, and carry more than one mate, with the master, first mate, and second mate duly certificated:

(3.) If she be a foreign-going steam ship, with an allowance for the space occupied by engine-room of tons or upwards, with a first-class and second-class engineer duly certificated:

(4.) If she be a foreign-going steam ship, with an allowance for the space occupied by engine-room of less than tons, or a coasting passenger steam ship, with a first-class engineer duly certificated.

If any such ship proceeds to sea from any place in the United Kingdom without being so provided, the owner of the ship shall incur a penalty not exceeding *one hundred* pounds.

Certificates of Masters, Mates, and Engineers.

In each of the following cases:—

(1.) If any person suffers himself to be engaged or acts as an officer, in contravention of this section:

(2.) If any person employs, or suffers any person to serve as an officer, in contravention of this section, without using all reasonable means (proof whereof shall lie on him) to ascertain that the person so serving is duly certificated;

(3.) If any person fraudulently engages or employs, or suffers to be engaged or employed, any duly certificated officer to serve, for the purpose only of enabling any ship to clear, and not for the purpose of the whole voyage, or if any officer so fraudulently engages himself;

then and in every such case the person so offending shall for every such offence incur a penalty not exceeding *fifty* pounds; and if any certificated officer is engaged as an officer on board any ship, and quits such ship before or upon the commencement of her voyage, he shall be deemed, unless the contrary is shown, to have been fraudulently engaged or employed as aforesaid.

No officer shall be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade.

Provided that nothing in this section shall apply to any ship when navigating within the limits of the inland waters of the United Kingdom.

Production of certificate of competency to superintendent of mercantile marine office. 17 & 18 Vict. c. 104. ss. 161 & 162

105. With respect to the production of certificates of competency, the following provisions shall have effect; that is to say,

(1.) The master of every foreign-going ship, not exempted as in this Act mentioned, shall, on signing the agreement with his crew, produce to the superintendent of the mercantile marine office before whom the same is signed the certificates of competency which such master and the officers of the ship are by this Act required to hold:

(2.) In the case of running agreements for foreign-going ships, the master shall also produce such certificates to the superintendent before the second and every subsequent voyage, or otherwise satisfy the superintendent that he and the officers of his ship hold such certificates:

(3.) The master or owner of every coasting passenger ship shall produce such certificates of competency to some superintendent of a mercantile marine office within twenty-

one days after the thirtieth of June and the thirty-first of December in every year:

Apprenticeship to the Sea Service.

(4.) Upon the production of such certificates of competency, the superintendent shall, if the certificates are such as the master and officers of the ship ought to hold, give to the master a certificate to the effect that the proper certificates of competency have been so produced:

(5.) The master shall, before proceeding to sea, produce the superintendent's certificate to the collector of customs; and any officer of customs may detain the ship until such certificate is produced:

(6.) If the master of any ship fail to comply with the provisions of this section he shall for every default incur a penalty not exceeding *five* pounds.

Apprenticeship to the Sea Service.

Indentures of apprenticeship to the sea service. 17 & 18 Vict. c. 104. ss. 142 & 143.

106. All indentures of apprenticeship to the sea service shall be exempted from stamp duty.

The Board of Trade may from time to time make, revoke, and alter regulations as to the form, execution, registry, assignment, and cancellation of indentures of apprenticeship to the sea service, as to the consents (if any) to be obtained to such apprenticeships, and as to other matters incidental thereto.

Any person who fails to comply with the provisions of this section, or of any such regulation, shall incur a penalty for each offence not exceeding *ten* pounds.

Fees to superintendents. 17 & 18 Vict. c. 104. s. 141.

107. The Board of Trade may, with the concurrence, so far as relates to pauper apprentices in England, of the Poor Law Board, and so far as relates to pauper apprentices in Ireland, of the Poor Law Commissioners, from time to time prescribe fees to be taken by superintendents of mercantile marine offices in respect of business performed by them in relation to apprenticeships to the sea service.

Rules for apprenticeships of paupers in Great Britain and Ireland. 17 & 18 Vict. c. 104. ss. 142 & 144.

108. All apprenticeships to the sea service made by any guardians or overseers of the poor, or persons having the authority of guardians of the poor,—

If made in Great Britain, shall be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons; subject, nevertheless, to the exemption from stamp duty, and the following provisions; namely, the indentures shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices, who shall ascertain that the boy has consented to be bound, and has attained the age of twelve years, and is of sufficient health

and strength, and that the master to whom the boy is bound is a proper person for the purpose;

If made in Ireland, shall be made in the manner prescribed by, and be subject to, the following regulations:

1. In every union the guardians of the poor, or other persons duly appointed to carry into execution the Acts for the relief of the poor, and having the authority of guardians of the poor, may put out and bind as apprentice to the sea service any boy who or whose parent is receiving relief in the union, and who has attained the age of twelve years, and is of sufficient health and strength, and consents to be bound:
2. If in any such case the cost of relieving the boy is chargeable to an electoral division of a union, then (except where paid officers act in place of guardians) he shall not be so bound unless the consent in writing of the guardians of the electoral division, or of a majority of them, if more than one, is first obtained, such consent to be, when possible, indorsed on the indenture:
3. The expenses incurred in the binding and outfit of any such apprentice shall be charged to the union or electoral division, as the case may be, to which the boy, his parent or parents, is or are chargeable at the time of his being apprenticed:
4. All indentures made in a union may be sued on by the guardians of the union, or the persons having the authority of guardians therein for the time being, by their name of office; and actions brought by them on such indentures shall not abate by reason of any death or change in the persons holding the office of guardians, but no such action shall be commenced without the consent of the Irish Poor Law Commissioners:
5. The amount of the costs incurred in any such action, and not recovered from the defendant therein, may be paid and charged as the expenses incurred in binding out such apprentice.

Indentures to be produced to superintendent before voyage in foreign-going ship. 17 & 18 Vict. c. 104. s. 145.

109. The master of every foreign-going ship shall, before carrying any apprentice to sea from any place in the United Kingdom, satisfy the superintendent of the mercantile marine office before whom the crew is engaged, that such apprentice has been duly bound in accordance with the provisions of this Act, and shall produce to such superintendent the indenture by which such apprentice is bound, and the assignments thereof, if any; and the name of such apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have

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Licenses to supply Seamen.

been registered, shall be entered on the agreement with the crew; and if the master fail to comply in any respect with this section he shall for every such offence incur a penalty not exceeding *five* pounds.

Licences to supply Seamen.

Licence of persons to procure seamen.

17 & 18 Vict. c. 104. ss. 146 & 147. 25 & 26 Vict. c. 63. s. 13.

110. The Board of Trade may from time to time authorize any superintendent of a mercantile marine office to employ persons duly licensed in that behalf by the Board of Trade, to supply seamen or apprentices for merchant ships in the United Kingdom. Any such authority or licence may be granted and revoked on such terms and conditions as the Board of Trade think proper.

(1.) If any unauthorized person, that is to say, any person not so licensed, or not being the owner or master or mate of the ship, or a servant in constant employment of the owner, or a superintendent of a mercantile marine office, engages or supplies any seaman or apprentice to be entered on board any ship, or offers by advertisement or otherwise to procure employment as a seaman or apprentice on any ship; or

(2.) If any person employs any such unauthorized person for the purpose of engaging or supplying any seaman or apprentice for any ship;

Every such person shall for each such offence incur a penalty not exceeding *twenty* pounds.

If any person receives or accepts to be entered on board any ship any seaman or apprentice who has been engaged or supplied in contravention of the provisions of this section, he shall for every seaman or apprentice so received or accepted incur a penalty not exceeding *twenty* pounds, unless he shows to the satisfaction of the court before which he is charged that he did not know that such seaman or apprentice had been engaged or supplied in contravention as aforesaid, and that he could not with reasonable diligence have obtained such knowledge.

Penalty for receiving remuneration from seamen, &c.

17 & 18 Vict. c. 104. s. 148.

111. If any person demands or receives directly or indirectly from any seaman or apprentice to the sea service, or from any person seeking employment as a seaman or apprentice to the sea service, or from any person on his behalf, any remuneration whatever other than the prescribed fees for providing him with employment, he shall for every such offence be liable to a penalty not exceeding *ten* pounds; but nothing in this Act shall preclude any owner or master of a ship from receiving a premium with an apprentice, provided the amount of such premium is inserted in the indenture of apprenticeship.

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Agreements with Seamen.

Agreements with Seamen.

112. Every master of a foreign going ship, which is not exempted as provided by this Act, shall enter into an agreement in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in the United Kingdom; and if any master of any such ship carries any seaman to sea in contravention of this section he shall for each such offence incur a penalty not exceeding *five* pounds.

Agreements with seamen. 17 & 18 Vict. c. 104. ss. 149. & 157.

Such agreement shall, subject to the provisions contained in the second schedule to this Act, be signed by each seaman in the presence of a superintendent of a mercantile marine office.

113. Every agreement under this Act shall be in such form, executed in such manner, and at such place, and according to such regulations, and shall contain such particulars as to the voyage and crew, the service, capacity, wages, and provisions of the seamen, and the discipline of the ship, as are prescribed by the regulations in the second schedule to this Act. Running agreements extending over a period not exceeding twelve months may be made, subject to the said regulations.

Form and conditions of agreement. 17 & 18 Vict. c. 104. ss. 149–151.

114. The master of any ship, or the owner of any ship, or his agent, may enter into an agreement in the United Kingdom with any seaman binding him to proceed to any port or ports out of the United Kingdom, either as a seaman or as a passenger, and there to engage himself as seaman in any ship of which the person engaging such seaman, or his principal, is master or owner. Such agreement shall be subject to the said regulations, and to all the provisions of this Act with respect to ordinary agreements with seamen.

Agreements in the United Kingdom to join ship abroad. 17 & 18 Vict. c. 104. s. 156.

115. The master of every foreign-going ship shall, before finally leaving the United Kingdom, sign, and send to the nearest superintendent of a mercantile marine office, a full and accurate statement, in the form prescribed by the Board of Trade, of every change which takes place in his crew before finally leaving the United Kingdom, and in default shall for each offence incur a penalty not exceeding five pounds; and such statement shall be admissible as evidence of the matters stated therein.

Changes in crew to be reported. 17 & 18 Vict. c. 104. s. 158.

116. Where the master of any ship engages a seaman in any British possession other than that in which the voyage of such ship commenced, the master shall sign the agreement with such seaman before some superintendent of a mercantile marine

Engagement of seamen in the colonies. 17 & 18 Vict. c. 104. s. 159.

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office, or some officer discharging the duties of a superintendent of a mercantile marine office.

Agreements with Seamen.

Engagement of seamen at foreign port. 17 & 18 Vict. c. 104. s. 160.

117. Every master of a ship who engages any seaman at any port out of Her Majesty's dominions where there is a British consular officer shall, before carrying such seaman to sea, procure the sanction of such officer, and shall sign the agreement with the seaman before him or before some person authorized by him in writing for that purpose.

Endorsement of agreement in colonies and at foreign port. 17 & 18 Vict. c. 104. ss. 159, 160.

118. Upon any engagement of a seaman in pursuance of this Act before any officer in a British possession, or before any consular officer at a foreign port, the officer shall endorse upon the agreement an attestation to the effect that such agreement has been signed in his presence, or in the presence of a person authorized by him in that behalf, and otherwise made as required by this Act; and also in the case of a foreign port, that it has the sanction required by this Act. Such attestation, if purporting to be signed by any such officer, or to be sealed by his consular seal, shall be admissible as evidence of the matters mentioned therein. If such attestation is not made the engagement shall, until the contrary is proved, be deemed not to have been made as required by this Act.

All the provisions of this Act respecting agreements with seamen in the United Kingdom shall apply to the engagement of seamen before any officer in a British possession or at a foreign port, with the like penalty on any master who carries any seaman to sea without entering into a proper agreement with him; but nothing in this section shall invalidate an agreement as between the master and the seamen, or deprive either party thereto of any right or remedy in respect thereof which he would have had if this section had not been inserted in this Act.

Alterations in agreement. 17 & 18 Vict. c. 104. s. 163.

119. Every erasure, interlineation, or alteration in any agreement with seamen under this Act (except additions made for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation, or alteration, by the written attestation (if made in Her Majesty's dominions) of some superintendent of a mercantile marine office, justice, officer of customs, or other public functionary, or (if made out of Her Majesty's dominions) of a British consular officer, or, where there is no such officer, of two respectable British merchants.

Seamen not to be bound

120. Any seaman may bring forward evidence to prove the contents of any agreement or otherwise to support his case, without

producing or giving notice to produce the agreement or any copy thereof.

to produce agreement. 17 & 18 Vict. c. 104. s. 165.

121. The master of every foreign-going ship shall at the commencement of every voyage or engagement cause a legible copy of any agreement with his crew, or any of them, made in the United Kingdom, (omitting the signatures,) to be posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding *five* pounds.

Copy of agreement to be made accessible to crew. 17 & 18 Vict. c. 104. s. 166.

122. The master or owner of any ship, or his agent, may, subject to the provisions of any other Act, and to the directions contained in the third schedule to this Act, but not otherwise, enter into any agreement with lascars or natives of Her Majesty's dominions in India to serve as seamen in any ship.

Agreements with lascars. 18 & 19 Vict. c. 91. s. 23. 4 G. 4. c. 80.

The regulations contained in the said schedule may be altered with the consent of the Secretary of State in Council of India, but not otherwise.

Discharge of Seamen.

Discharge before superintendent. 17 & 18 Vict. c. 104. ss. 170. 172. 176.

123. Every seaman, on the termination of his engagement, shall, if discharged in the United Kingdom from a foreign-going ship, not being exempted as mentioned in this Act, be discharged and receive his wages in manner provided by this Act through or in the presence of a superintendent of a mercantile marine office, except some competent court otherwise directs.

With respect to the discharge of seamen before any superintendent, the regulations contained in the fourth schedule to this Act shall be observed.

Any master or owner of any ship who acts in contravention of this section or of any of the said regulations shall incur for each offence a penalty not exceeding ten pounds, and no discharge contrary to the provisions of this Act shall operate as a discharge of any right or claim of the seaman discharged.

Power for court to determine seaman's engagement.

124. In any proceedings to decide any question between a master or owner and any of his crew, it shall be lawful for the court having cognizance of such proceedings to declare the agreement with any seaman being a member of such crew to be terminated upon such terms and subject to such conditions as to the court seem just, and thereupon such seaman shall be discharged accordingly.

Inquiry into cause of death on board. 17 & 18 Vict. c. 104. s. 269.

125. Whenever any case of death happens on board any foreign-going ship, the superintendent of the mercantile marine office shall, on the arrival of such ship at the port where the crew is discharged,

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inquire into the cause of such death, and shall make on the list of the crew delivered to him as in this Act required an endorsement to the effect either that the statement of the cause of death therein contained is in his opinion true or otherwise, as the result of the inquiry requires; and every such superintendent shall, for the purpose of such inquiry, have the powers by this Act given to inspectors appointed by the Board of Trade; and if in the course of such inquiry it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the emergency of the case so requires, take immediate steps for bringing the offender or offenders to justice.

Allotment and Advance of Wages.

Regulations as to allotment notes. 17 & 18 Vict. c. 104. s. 168.

126. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the time such seaman is engaged shall be inserted in the agreement for service entered into by the seaman on his engagement, and shall state the amounts and times of the payments to be made; and all allotment notes shall be in the prescribed form.

Right of suing on allotment notes. 17 & 18 Vict. c. 104. s. 169.

127. Where an allotment note of part of the wages of any seaman is made in favour of any of the following persons, namely, the wife, father, mother, grandfather, or grandmother of such seaman, or any child, grandchild, brother, or sister of such seaman, such person may, unless the seaman be shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, sue for and recover the sums allotted by the note when and as the same are made payable, with expenses of the claimant out of pocket, and costs as between attorney or agent and client, and interest on the sums allotted at the rate of five pounds per centum per annum, from the owner of the ship with respect to which the said engagement was made, or from any agent of the owner who has authorized the drawing of the note, in the same manner in which wages of seamen may be recovered under this Act or otherwise; subject, in the case of the wife of such seaman, to the following proviso, that if she desert her children, she shall thereupon forfeit all right to further payments of any allotment of his wages which has been made in her favour.

In any such proceeding it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some authorized agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court,

either by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or by a certified copy of some entry in the official log book to the effect that he has left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence as the court in their discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Authentication of allotment note.

128. Where an allotment note purports to be signed by the master of a ship, or by the owner, or any agent of the owner, and such signature purports to be witnessed by a superintendent of a mercantile marine office, British consular officer, or other person before whom seamen may be engaged in accordance with the provisions of this Act, such note shall, in the absence of proof to the contrary, be deemed to have been given by the master or owner, or by his authorized agent.

Advance not to exceed one month's wages.

129. No advance of wages shall be made to any seaman for more than one month; and no sum advanced to any seaman beyond one month's wages shall be allowed as a deduction upon any settlement of wages.

Payment of Wages.

Master to deliver account of wages.

17 & 18 Vict. c. 104. s. 171.

130. The master of every foreign-going ship shall, not less than six hours before discharging any seaman, deliver to him, or, if he is to be discharged before a superintendent of a mercantile marine office, to such superintendent, a full and true account, in the form prescribed by the Board of Trade, of his wages, and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding *five* pounds.

No deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed, unless it is included in the account so delivered.

The master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to such payment.

Time of payment and

131. Subject to the provisions of this Act with respect to the deposit of wages with a superintendent of a mercantile marine

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Payment of Wages.

effect of non-payment of wages.

office, all wages due to any seaman shall be paid, in accordance with this Act, at the time when he lawfully leaves the ship on the termination of the voyage or other the termination of his engagement, and, unless paid at that time, shall contine to run and become due until they are so paid; but any court having cognizance of the case, upon being satisfied that the delay in payment did not arise from any default on the part of the master or owner of the ship may, if they think fit, disallow the whole or any part of the wages running and accruing after the time by this Act fixed for payment.

Settlement of wages. 17 & 18 Vict. c. 104. s. 175.

132. The following rules shall be observed with respect to the settlement of wages; (that is to say,)

Release to be signed and attested.

(1.) Where a seaman is discharged, and the settlement of his wages is completed, he shall sign, in the presence of the superintendent before whom he is discharged or the settlement of wages completed, a release, in the prescribed form, of all claims in respect of the past voyage or engagement, and the master or owner of the ship shall also sign the same, and the superintendent shall also sign and attest it:

To be a discharge;

(2.) Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement:

and to be evidence.

(3.) A certified copy of such release or of any part thereof shall be given by such superintendent to any person requiring the same; and a copy purporting to be so certified shall be receivable in evidence upon any subsequent question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy:

Voucher to be given to master, and to be evidence.

(4.) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall as between the master and his employer be received as evidence that he has made the payments therein mentioned.

Superintendents may decide questions which parties refer to them. 17 & 18 Vict. c. 104. s. 173.

133. A superintendent of a mercantile marine office shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award made upon any such reference shall be final and binding upon both parties; and such submission or award shall not require a stamp; and any document purporting to be such submission or award shall be primâ facie evidence thereof.

Any such award may be enforced by any court of summary jurisdiction in the same manner as if the award were an order of such court made in a matter within their ordinary jurisdiction.

Master and others to produce ship's papers to superintendent. 17 & 18 Vict. c. 104. s. 174.

134. In any proceeding to decide any question between a master or owner and any of his crew, and in any transaction before any superintendent under this Act, relating to the wages, claims, or discharge of any seaman, such superintendent may require the owner or his agent, or the master or any mate or other member of the crew, to produce any log books, papers, or documents in his possession or power relating to any matter in question in such proceeding, and may require the attendance of and examine any of such persons, being then at or near the place, on any such matter; and every such person who fails to comply with such requisition shall, unless he shows reasonable cause, incur for each such offence a penalty not exceeding *five* pounds.

Deposit of wages with superintendent.

135. Where there is no dispute as to the amount of wages to which any seaman is entitled, the master or owner may, if such seaman agrees in writing, deposit with any superintendent of a mercantile marine office at the time specified in such agreement, the whole or any part of the wages of such seaman; and the superintendent shall remit or pay the same in such manner as the seaman directs: and the superintendent shall have full power to give any receipt on behalf of the seaman in respect of such wages; and any such receipt shall be of the same effect as if it had been signed by the seaman and attested by the superintendent.

If default is made in such deposit at the specified time, the wages of the seaman shall run and become due for every day during which such default continues.

Legal Rights to Wages—Compensation.

Right to wages, &c., when to begin. 17 & 18 Vict. c. 104. s. 181.

136. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to recover wages, and salvage not to be forfeited. 17 & 18 Vict. c. 104. s. 182.

137. A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of agreement he would be entitled, or abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

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Legal Rights to Wages—Compensation.

But nothing in this section shall apply to the case of a stipulation made by the seamen belonging to any ship which according to the terms of the agreement is to be employed on salvage service with respect to the remuneration to be paid to them for salvage services to be rendered by the ship to any other ship.

Wages not to depend on freight. 17 & 18 Vict. c. 104. s. 183.

138. The right to wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight shall, subject to all other rules of law and all conditions applicable to the case, be entitled to claim and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship proof that he has not exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim.

Wages on termination of service by wreck or illness. 17 & 18 Vict. c. 104. s. 185.

139. Where the service of a seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the ship, or of his death, or of his being left on shore at any place abroad under a certificate, granted as provided by this Act, of his unfitness or inability to proceed on the voyage, he or (in case of his death) his representatives shall be entitled to wages, subject to all just deductions, up to the time of such termination of his service, but not for any longer time.

Where a seaman, whose service terminates by reason of any of the matters in this section specified, has been engaged by the run, he shall be entitled to a proportionate part of the wages to which he would have been entitled on the termination of the run, subject to all just deductions, and such proportion shall be calculated up to the said termination of his service.

Deduction from wages of mate for negligence.

140. Where a mate has been guilty of negligence in loading or unloading any cargo, any loss or damage occasioned thereby may be deducted from his wages.

Forfeiture of wages, &c. of seaman when illness caused by his own default. 30 & 31 Vict. c. 124. s. 8.

141. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

Costs of procuring imprisonment may be deducted from wages. 17 & 18 Vict. c. 104. s. 251.

142. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has in the course of the voyage been convicted of any offence by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to such seaman

to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Legal Rights to Wages—Compensation.

Compensation to seamen improperly discharged. 17 & 18 Vict. c. 104. s. 167.

143. Any seaman who has signed an agreement, and is discharged otherwise than in accordance with the terms thereof, without fault on his part justifying such discharge, and without his consent,—

And any seaman who has been engaged by the run, and is discharged before the termination of the run, without fault on his part justifying such discharge, and without his consent,—

Shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, and may recover such compensation as if it were wages duly earned.

In estimating the amount of such compensation the court shall, in the case of any discharge abroad, take into consideration the value of any employment which may be provided for the seaman by the master or owner in substitution for the employment from which he was discharged, and the cost (if any) incurred by the master or owner in providing for the maintenance and return passage of the seaman.

Any seaman who has been engaged by the run, and is discharged as in this section mentioned, shall be entitled to a proportionate part of the wages to which he would have been entitled on the termination of the run in the same manner as if his service had terminated by reason of the wreck or loss of the ship.

Sale of and charge upon wages to be invalid. 17 & 18 Vict. c. 104. s. 233.

144. No wages due or accruing to any seaman or apprentice to the sea service, or deposited by any seaman or apprentice with a superintendent of a mercantile marine office, officer of customs, or consular officer, shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice to the sea service shall be valid in law, notwithstanding any previous sale or assignment of such wages, or any attachment, incumbrance, or arrestment thereon; and no assignment or sale of such wages made prior to the accruing thereof shall bind the person making the same; and no power of attorney or authority for the receipt of any such wages shall be irrevocable.

Mode of recovering Wages.

Summary proceedings for wages. 17 & 18 Vict. c. 104. s. 188.

145. Any seaman or apprentice to the sea service, or any person duly authorized on his behalf, may, in addition to any other remedy, sue in a summary manner before any court of summary jurisdiction in or near to the place at which the service of the claimant has terminated, or at which the claimant has been discharged, or at

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Mode of recovering Wages.

which any person on whom the claim made is or resides, or at which the ship may be in respect of which the claim is made, for any amount of wages due to him, not exceeding fifty pounds, over and above the costs of recovery, as soon as the same becomes payable.

Where the amount recovered, over and above the costs of recovery, does not exceed twenty pounds, every order made by such court in the matter shall be final; but any court of summary jurisdiction may refer any claim under this section to be adjudged by a local court of admiralty.

Restrictions on suits for wages. See 17 & 18 Vict. c. 104. s. 189.

146. Except in the following cases, that is to say:

(1.) Where the owner of the ship is adjudged bankrupt or declared insolvent:

(2.) Where the ship is under arrest or is sold by the authority of a chief court of admiralty or of any superior court of record:

(3.) Where there is no local court of admiralty having jurisdiction in the case: or

(4.) Where the amount claimed exceeds one hundred and fifty pounds:

a suit or proceeding for the recovery of wages shall not be instituted by or on behalf of any seaman or apprentice to the sea service in a chief court of admiralty nor in any superior court of record in Her Majesty's dominions.

Except in the above-mentioned cases, or except where the case has been referred by a court of summary jurisdiction to a local court of admiralty, a suit or proceeding by or on behalf of a seaman or apprentice to the sea service for the recovery of wages where the amount claimed, over and above the costs of recovery, does not exceed twenty pounds, shall be instituted only before a court of summary jurisdiction.

Share of profits may be recovered as wages.

147. Where seamen are compensated for their services wholly or in part by shares in the profits of the adventure of the ship in which they serve, such shares or any part thereof may, if not exceeding *fifty* pounds, be sued for and recovered in the same manner as wages under this Act.

Master to have same remedies for wages as seamen. 17 & 18 Vict. c. 104. s. 191.

148. Every master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages and of any disbursements made by him on account of the ship which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages.

General powers of

149. In any proceeding before any court touching the claim to wages of a seaman or apprentice to the sea service, such court may

Wages and Effects of deceased Seamen.

order any account of wages delivered by the master of a ship to any seaman or apprentice in pursuance of this Act to be amended, and to direct payment of any balance which is found to be due; and if in any such proceeding, or in any proceeding touching the claim of a master in respect of wages or disbursements, any right of set-off or counter-claim is set up, it shall be lawful for such court to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding.

Power of court with respect to wages, &c. 17 & 18 Vict. c. 104. s. 191.

Wages and Effects of deceased Seamen.

150. If any seaman or apprentice to the sea service belonging to or sent home in any ship the voyage of which has commenced or is about to terminate in the United Kingdom die during such voyage, the master of such ship shall take charge of all money, clothes, and effects which are on board his ship belonging to such seaman or apprentice, and shall enter and sign in the official log book such particulars respecting the same, and respecting the amount due to the deceased as wages, and the total amount of the deductions (if any) to be made therefrom, as are prescribed by the regulations contained in the fifth schedule to this Act, and shall cause such entry to be attested by a mate and by one of the crew.

If any master fails to comply with any of the requirements of this section, he shall for each offence incur a penalty not exceeding *fifty* pounds.

Effects and wages of seamen who die during voyage. 17 & 18 Vict. c. 104. s. 194.

151. The master may, if he think fit, cause any of the said clothes and effects to be sold by public auction, at the mast or otherwise, and shall, in manner prescribed by the said regulations, deliver, pay, and account for such money, clothes, and effects, or so much as remains unsold, and also any money arising from such sale and the balance of wages due, (which clothes, effects, money, and wages are herein-after included under the term "property,") to the Board of Trade, or to a superintendent of a mercantile marine office, or to a British consular officer, or an officer of customs in some British possession, as may be prescribed by the said regulations.

A superintendent in the United Kingdom shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at a port in the United Kingdom, a certificate to that effect; and no officer of customs shall clear inwards any foreign-going ship without the production of such certificate.

The master of such ship, and in his default the owner of such ship, shall be accountable for the property of such seaman or

Dealing with and account of effects of seamen who die during voyage. 17 & 18 Vict. c. 104. ss. 194, 195, and 196.

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apprentice to the Board of Trade; and if the same is not paid, delivered, and accounted for as provided by this section, such property, or the value thereof, may be recovered by the Board of Trade from such master or owner; and such master and owner shall each incur, in addition to his liability for the said property and value, a penalty not exceeding treble the value of the property not accounted for, delivered, or paid over, or, if such value be not ascertained, not exceeding *fifty* pounds.

Such property may be recovered in the same court and by the same mode of proceeding in and by which wages may be recovered by seamen under this Act.

Effects abroad not on board ship. 17 & 18 Vict. c. 104. s. 197. 25 & 26 Vict. c. 63. s. 20.

152. If any seaman or apprentice to the sea service belonging to or sent home in a ship the voyage of which has commenced or is to terminate in the United Kingdom, or who has within six months preceding his death belonged to any such ship, dies at any place out of the United Kingdom, leaving any money or effects not on board the ship to which at or last before his death he belonged, the chief officer of customs in the case of a British possession, and in other cases the British consular officer at or near the place, shall claim and take charge of such money and effects.

Every chief officer of customs in a British possession, and every British consular officer, who receives any property of a deceased seaman or apprentice under this Act, shall deal with, remit, and account to the Board of Trade or otherwise for the same in manner prescribed by the said regulations.

Recovery of wages, &c. of seamen lost with their ship. 25 & 26 Vict. c. 63. s. 21.

153. Where any ship the voyage of which has commenced or is to terminate in the United Kingdom is lost, the wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows; (that is to say,)

(1.) The Board of Trade may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable:

(2.) In any proceeding for the recovery of such wages, if it is shown by some official return produced out of the custody of the Registrar General of Seamen, or by other evidence, that the ship has six months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within six months after such departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the court hearing the case may think probable:

(3.) The production out of the custody of the Registrar General of Seamen, or of the Board of Trade, of any duplicate agreement or list of the crew made out at the time of the last departure of the ship from the United Kingdom, or of any statement of any change in the crew required by this Act to be sent to a superintendent, or of a certificate purporting to be a certificate from a consular or other public officer at any port out of the United Kingdom, stating that certain seamen or apprentices were shipped in the ship from the said port, shall, in the absence of proof to the contrary, be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss:

(4.) The Board of Trade shall deal with such wages in the manner in which they deal with the wages of other deceased seamen and apprentices under this Act.

Wages of seamen dying abroad. 17 & 18 Vict. c. 104. s. 184.

154. If any seaman or apprentice to the sea service to whom wages are due dies at any place out of the United Kingdom before the same are paid, they shall be paid and applied in the manner in this Act provided with respect to the wages of seamen dying during the voyage.

Wages and effects of seamen dying at home. 17 & 18 Vict. c. 104. s. 198.

155. If any seaman or apprentice to the sea service dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any effects or unpaid wages, such master or owner shall pay and deliver or account for the same to the superintendent of the mercantile marine office at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as they direct.

Payment over of property of deceased seamen. 17 & 18 Vict. c. 104. s. 199.

156. Where the property of any deceased seaman or apprentice comes into the hands of the Board of Trade, or a superintendent of a mercantile marine office, or an officer of customs, or consular officer, the Board of Trade, after deducting for expenses incurred in respect of such seaman or apprentice or his property such sum as they think proper to allow, shall, subject to the provisions in this section contained with respect to foreign seamen, deal with the residue of such property (which property is in this Act referred to as property received by the Board of Trade) as follows:

If such residue exceed in value the sum of one hundred pounds, then they shall pay and deliver the same to the legal personal representatives of the deceased.

If the residue does not exceed in value the sum of one hundred pounds, the Board of Trade may pay or deliver the same to any

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claimant who is proved to their satisfaction to be the widow or a child of or a relative or legatee of the deceased, or any person entitled to take out probate, letters of administration or confirmation, whom they consider entitled to receive the same, although no such probate, letters, or confirmation be taken out.

The Board of Trade may in any case, if they think fit, require probate, letters of administration or confirmation, to be taken out, and may thereupon pay and deliver such residue to the legal personal representative of the deceased.

Every person to whom such property is so paid or delivered shall apply the same in due course of administration.

In the case of a foreign seaman or apprentice, the Board of Trade may, if they think fit, pay over such residue to the chief consular officer of the country to which such seaman or apprentice belongs.

Rejection by Board of Trade of wills made by seamen. 17 & 18 Vict. c. 104. s. 200.

157. Where a deceased seaman or apprentice has left a will, the Board of Trade may, in their discretion, refuse to pay or deliver any property received by them to persons claiming to be entitled thereto, as follows; that is to say,

If the will is made on board ship, to any person claiming under such will, unless such will is in writing, and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship, and is attested by such master or mate:

If the will was not made on board ship, then to any person claiming under such will, and not being related to the testator by blood or marriage, unless such will is in writing, and is signed or acknowledged by the testator in the presence of two witnesses, one of whom is a superintendent of a mercantile marine office, or a minister of religion officiating in the place in which the same is made, or, where there are no such persons, a justice of the peace, or British consular officer, or officer of customs, and is attested by such witnesses:

Whenever the Board of Trade refuse under this section to pay or deliver any property to any person claiming under a will the property so claimed shall be dealt with as if no will had been made.

In the case of a foreign seaman or apprentice, the Board of Trade may, if they think fit, deliver the will, and any property received by them, to the chief consular officer of the country to which such seaman or apprentice belongs.

Provision for payment of just claims by creditors, and for preventing

158. The following rules shall be observed with respect to creditors of deceased seamen and apprentices to the sea service; (that is to say,)

(1.) A creditor shall not be entitled to claim from the Board of Trade the property of any such seaman or apprentice, or

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any part thereof, by virtue of letters of administration taken out by him, or by virtue of confirmation in Scotland as executor creditor:

(2.) A creditor shall not be entitled by any means whatever to payment of his debt out of such property, if the debt accrued more than three years before the death of the deceased, or if a demand, as provided by this section, be not made within two years after such death:

fraudulent claims. 17 & 18 Vict. c. 104. s. 201.

(3.) A demand must be made by the creditor delivering to the Board of Trade an account in writing in the prescribed form, stating the particulars of his demand and the place of his abode, and verified by his signature and his declaration made before a justice:

(4.) If before such demand is made any claim to the property of the deceased made by any person as relative or legatee has been allowed, the Board of Trade shall give notice to the creditor of the allowance of such claim:

(5.) If no claim by any such person has been allowed, the Board of Trade shall proceed to investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto; and if such books, accounts, vouchers, and papers are produced, or reasons satisfactory to the Board of Trade are given for not producing them, and if by means of them the creditor duly satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the property in the hands of the Board of Trade will extend for that purpose, but otherwise shall be disallowed:

(6.) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the property of the deceased be made by any person as a relative or legatee, and allowed by the Board of Trade under this Act, the Board of Trade may pay and deliver the same to such person.

(7.) Where the property has been paid and delivered by the Board of Trade to any person as a relative or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights and remedies against such person as if he had received such property as the legal personal representative of the deceased.

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(8.) Any creditor who makes a demand upon the Board of Trade in respect of the property of a deceased seaman or apprentice, without accounting for any money he may have received in respect of such demand, shall forfeit the whole amount so demanded.

Discharge of Board of Trade.

159. Where any property of a deceased seaman or apprentice has been received by the Board of Trade under this Act, and the Board of Trade have paid or delivered the same to any person claiming to be entitled thereto as a relative or legatee of the deceased, or as a creditor, or to any consular officer, such payment and delivery shall discharge the Board of Trade from all further liability in respect of the property so paid or delivered.

Mode of dealing with unclaimed wages of deceased seamen.
17 & 18 Vict. c. 104. s. 202.

160. Where no claim to the property of any deceased seaman or apprentice received by the Board of Trade is substantiated within six years after the receipt thereof by the Board, it shall be in the absolute discretion of the Board, if any subsequent claim is made, either to allow or to refuse the same; and the Board shall from time to time pay any money arising from the unclaimed property of deceased seamen and apprentices, which in the opinion of the Board it is not necessary to retain for the purpose of satisfying claims, into the receipt of Her Majesty's Exchequer in such manner as the Treasury direct, and the same shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Property of seamen discharged from Royal Navy.
17 & 18 Vict. c. 104. s. 204.

161. Where any seaman, having been invalided or discharged from any of Her Majesty's ships, is sent home in a merchant ship, and dies during the voyage, the provisions of this Act respecting the property of seamen dying during the voyage shall extend to the property of such seaman, with this qualification, that the same shall be paid over and disposed of by the Board of Trade in such manner as the Accountant General of Her Majesty's Navy directs.

Remittance of Wages, and Savings Banks for Seamen.

Remittance of seamen's wages.
17 & 18 Vict. c. 104. s. 177.

162. Every superintendent of a mercantile marine office, every officer of customs in any British possession, and every British consular officer in any place out of Her Majesty's dominions, shall, if so directed by the Board of Trade, remit the wages and other money of seamen and apprentices to the sea service by means of seamen's money orders, in accordance with this Act.

Board of Trade may make regulations

163. The Board of Trade may from time to time make, alter, and revoke regulations concerning seamen's money orders issued in pursuance of this Act, and in particular may specify in such regula-

tions the time and mode of payment, and the persons by or to whom the same are to be paid; and all such regulations, so long as they are in force, shall be of the same effect as if they were enacted in this Act.

concerning money orders.

17 & 18 Vict. c. 104. s. 171.

164. The Board of Trade may, in any case in which they think fit so to do, cause the amount of any seaman's money order to be paid to the person to whom or in whose favour the same has been granted, or to the personal representative, legatee, or next of kin of such person, notwithstanding that such order may not be in his or their possession; and in all such cases, from and after such payment, the Board of Trade, and every superintendent and officer employed about such money order, shall be freed from all liability in respect thereof.

Power to pay when order is lost.

17 & 18 Vict. c. 104. s. 178.

Penalty for issuing money orders with fraudulent intent.

17 & 18 Vict. c. 104. s. 179.

165. Every superintendent or officer who grants or issues any seaman's money order with a fraudulent intent shall be deemed guilty of felony, and shall be liable to be kept in penal servitude for a term not exceeding *seven* years.

Power for Board of Trade to establish savings banks.

19 & 20 Vict. c. 41. s. 1.

166. The Board of Trade may establish in London a central savings bank for seamen, with branch savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen, or the wives, widows, and children of seamen, so that the aggregate amount of deposit standing at any one time in the name of any one depositor do not exceed *two hundred* pounds.

Power to constitute mercantile marine offices branch savings banks.

19 & 20 Vict. c. 41. s. 2.

167. The Board of Trade may constitute any mercantile marine office a branch savings bank for seamen, and, if so required, any superintendent of that office shall act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks.

Commissioners for the Reduction of the National Debt to receive deposits, &c.

19 & 20 Vict. c. 41. s. 3.

168. The Commissioners for the Reduction of the National Debt may from time to time, on the request of the Board of Trade, receive from Her Majesty's Paymaster General the money received by the Board of Trade as deposits in savings banks under this Act, and may from time to time, on the like request, repay to Her Majesty's Paymaster General, to the account of the Board of Trade, the money so received by the commissioners, and the commissioners shall invest money so received by them in the manner in which money received from trustees of savings banks is invested by them, and shall pay to Her Majesty's Paymaster General, to the account of the Board of Trade, interest on the money so received by them, as long as the same continues in their hands, at the same rate at

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which they pay interest for the time being on the money received by them from the trustees of savings banks.

Board of Trade to make regulations for conduct of savings banks.

19 & 20 Vict. c. 41. s. 4.

169. The Board of Trade may from time to time make, alter, and revoke regulations with respect to the persons entitled to become depositors, the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest, the rights, claims, and obligations of depositors, and all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and all such regulations so long as they are in force shall be of the same effect as if they were enacted in this Act.

Application of deposits of deceased depositor.

19 & 20 Vict. c. 41. s. 5.

170. All sums of money due from the Board of Trade to the estate of any deceased person entitled to any deposit in any savings bank established under this Act shall be paid and applied by the Board of Trade in the same manner as if they were property of a deceased seaman received by the Board of Trade under this Act, and the provisions of this Act respecting the payment and delivery of such property, and the rights of creditors and claimants thereto, shall apply accordingly.

Expenses of savings banks how to be defrayed.

19 & 20 Vict. c. 41. s. 7.

171. The Board of Trade may, out of the interest paid by the Commissioners for the Reduction of the National Debt on the money paid to them under this Act, pay any expenses incurred by them in relation to seamen's savings banks in pursuance of this Act.

Accounts and copy of regulations to be laid before Parliament.

19 & 20 Vict. c. 41. s. 8.

172. An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under the authority of this Act, and of the interest thereon, shall be laid before both Houses of Parliament; and a copy of all regulations made by the Board of Trade under the authority of this Act with respect to seamen's savings banks shall likewise be laid before both Houses of Parliament.

Public officers to be exempt from legal proceedings, except in case of wilful default.

17 & 18 Vict. c. 104. s. 177.

19 & 20 Vict. c. 41. s. 4.

173. No legal proceedings shall be instituted against the Board of Trade, or against any superintendent or officer employed in or about any seamen's savings banks under this Act, or about any money orders issued for remittance of wages or other money of seamen under this Act, on account of any regulations made by the Board of Trade with reference to such banks or orders, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any order or any deposit or interest thereon, unless such refusal, neglect, or omission arise from

fraud or wilful misconduct on the part of the person against whom proceedings are instituted.

Reimbursement out of Wages of Relief to Seamen's Families.

174. The provisions of this Act with respect to the remittance of wages and savings banks shall apply to all seamen, and to their wives and families, whether such seamen belong to the Royal Navy or to the merchant service, or to any other sea service.

Enactments, concerning savings banks, &c. to apply to seamen in the navy. 18 & 19 Vict. c. 91. s. 17.

175. Whenever, during the absence of any seaman on a voyage, his wife, or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom, such union or parish shall be entitled to be reimbursed, out of the wages of such seaman earned during the voyage, any sums properly expended during his absence in the maintenance of his said relatives or any of them, so that such sums do not exceed the following proportions of his said wages; (that is to say,)

Relief to seamen's families to be chargeable on a certain proportion of their wages. 17 & 18 Vict. c. 104. s. 192.

(1.) If only one of such relatives is chargeable, one half of such wages:

(2.) If two or more of such relatives are chargeable, two thirds of such wages:

But if during the absence of the seaman any sums have been paid by the owner to or on behalf of any such relative as aforesaid, under an allotment note given by the seaman in favour of such relative, any such claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages herein-before mentioned over the sums so paid.

176. For the purpose of obtaining such reimbursement as aforesaid, the following local authorities, (that is to say,)

Notice to owner, and enforcement of charge. 17 & 18 Vict. c. 104. s. 193.

In any union or parish in England in which the relief of the poor is administered by guardians, or other body of persons performing the functions of guardians, the guardians or such other body of persons;

In any parish in England in which the relief of the poor is not administered by guardians or such other body of persons as aforesaid, the overseers of the poor;

In Ireland the guardians or other persons having the authority of guardians in any union;

In any parish in Scotland the inspector of the poor,

may give to the owner of the ship in which the seaman is serving a notice in writing, stating the proportion of the seaman's wages upon which it is intended to make claim, and requiring the owner to

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retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring such owner immediately on the seaman's return to give notice in writing thereof to the local authority.

The owner, after receiving such notice, shall be bound to retain the said proportion of wages, and to give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim.

The local authority may, upon the seaman's return, apply to any court of summary jurisdiction in the union or parish claiming reimbursement for an order for reimbursement; and such court may hear the case, and may make an order for such reimbursement to the whole extent aforesaid, or to such lesser amount as they may under the circumstances think fit; and the owner shall pay to the local authority out of the seaman's wages the amount so ordered to be paid by way of reimbursement, and shall pay the remainder of the said wages to the seaman.

If no order for reimbursement is obtained within the period mentioned in the notice to be given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of such period and without deduction be payable to the seaman.

Destitute Foreign Seamen.

Penalty on masters of ships leaving certain seamen in distress in this country. 17 & 18 Vict. c. 120. s. 16.

177. If a native of any country in Asia or Africa, or of any of the islands in the South Sea or the Pacific Ocean, or of any country not having any consul in the United Kingdom, be brought to the United Kingdom in any ship, British or foreign, as a seaman, and be left in the United Kingdom, and within six months of his being so left become chargeable upon the poor rate, or commit any act by reason whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the said ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall incur a penalty not exceeding *thirty* pounds, unless he can show that the person so left as aforesaid quitted the ship without the consent of the master, or that due means have been afforded by such master, owner, or consignee, to such person, of returning to his native country or to the country in which he was shipped, and the court inflicting such penalty may order the whole or any part of such penalty to be applied towards the relief or sending home of such person.

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Relief of destitute lascars. 18 & 19 Vict. c. 91. s. 22.

178. It shall be the duty of one of Her Majesty's principal Secretaries of State to take charge of and send home or otherwise provide for all persons, being lascars or other natives of the territories under the government of Her Majesty in India, who are found destitute in the United Kingdom; and if any such person is relieved and maintained by any guardians, overseers, or other persons administering the relief of the poor, such guardians, overseers, or other persons may, by letter sent through the post or otherwise, give notice thereof in writing to the said Secretary of State, specifying the following particulars; viz.

1. The name of the person so relieved or maintained:
2. The presidency, or district, or part of the territories of Her Majesty in India, of which he professes to be a native:
3. The name of the ship in which he was brought to the United Kingdom:
4. The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived when he was so brought to the United Kingdom, and the time of such arrival:

And the said Secretary of State shall repay to the said overseers, guardians, or other persons out of the revenues of India all moneys duly expended by them in relieving or maintaining such destitute person after the time at which such notice is received.

Discharge of Seamen abroad.

Seamen not to be discharged or left abroad unless certificate obtained. 17 & 18 Vict. c. 104. ss. 205–213.

179. The master of a ship shall not, unless he first obtains such certificate as herein-after mentioned, discharge or leave any seaman or apprentice to the sea service abroad, and he shall be deemed to discharge or leave a seaman or apprentice abroad if he discharges or leaves him at the following places; namely,

If such seaman or apprentice was engaged in the United Kingdom, then at any place out of the United Kingdom; or,

If such seaman or apprentice was engaged in any British possession, then at any place in any other British possession or in any foreign country.

If any master discharges or leaves any seaman or apprentice in contravention of the provisions of this section, or wrongfully forces ashore any seaman or apprentice, he shall be guilty of a misdemeanor.

In any legal proceeding respecting such discharge or leaving abroad it shall lie on the master to prove that such certificate was obtained, or could not be obtained.

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Persons to give certificates.

17 & 18 Vict. c. 104. ss. 205–213.

180. Such certificate shall be obtained from one of the following persons; namely,

At any place within Her Majesty's dominions, from a superintendent of a mercantile marine office, or some officer discharging the duties of a superintendent of a mercantile marine office.

At any place out of Her Majesty's dominions, from the British consular officer for the place, or some person appointed by him in that behalf, or if the consular officer be absent, or if there be no consular officer for the place, from two respectable British merchants resident at or near the place.

Conditions of obtaining certificate.

Ib.

181. Before any such certificate is granted the master of the ship shall, on making application for the certificate, produce the agreement with the crew to the person or persons to whom the application is made, and shall deliver to him or them a true account in duplicate of the amount of wages due to the seaman or apprentice, and shall deposit with such person or persons,—

(1.) The amount of wages and of compensation (if any) due to the seaman or apprentice: and

(2.) Save in the cases otherwise provided for by this Act, the amount requisite to provide for the maintenance and return passage of the seaman or apprentice:

Upon compliance with the foregoing conditions, the person or persons authorized to grant certificates for the discharge or leaving abroad of seamen or apprentices shall,—

(*a.*) If the seaman or apprentice be discharged in accordance with the terms of his engagement, or by or in pursuance of the sentence of a competent court; or

(*b.*) If the master and the seaman both consent to such discharge or leaving abroad,

grant such certificate; but in all other cases shall inquire into the circumstances, and may for that purpose administer oaths, and shall give or withhold the certificate, as he or they think fit; and any person who in the course of such inquiry wilfully makes any false statement shall be guilty of a misdemeanor.

Cases in which no money is to be deposited for maintenance and return passage.

Ib.

182. In the following cases, (that is to say,)

(1.) If the master prove to the satisfaction of the person or persons to whom he applies for a certificate that he has provided adequate employment or an adequate return passage for the seaman or apprentice, or that for any other reason no expense will be incurred in relieving, maintaining, or sending home such seaman or apprentice;

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(2.) If the master satisfies the person or persons to whom he applies for a certificate that the cause of leaving the seaman or apprentice abroad is desertion, and pays into the hands of such person or persons the wages earned by such seaman or apprentice previous to such desertion,

it shall not be necessary for the master to deposit any money on account of the maintenance or return passage of such seaman or apprentice.

Where the master has deposited any moneys on account of the maintenance and return passage of any seaman or apprentice, and, within such reasonable time as may be fixed by the regulations of the Board of Trade, provides adequate employment for the seaman or apprentice or provides him with an adequate return passage, such moneys shall, after deducting therefrom any sums which may have been spent on account of such seaman or apprentice, be returned to the master.

Persons who grant certificates to decide on adequacy of employment or return passage. 17 & 18 Vict. c. 104. ss. 205–213.

183. It shall be lawful for the persons authorized to grant certificates in the case of seamen or apprentices discharged or left abroad to decide upon the adequacy of any employment or return passage provided as aforesaid for any seaman or apprentice, and whether such passage ought to be to the place where the seaman or apprentice was shipped, or to his home, or to any place where he can obtain employment, and in accordance with such decision to return to or withhold from the master the money deposited for the purpose of maintaining such seaman or apprentice, and paying his return passage.

Application of wages of seamen left abroad on ground of desertion. *Ib.*

184. Where any seaman or apprentice is left abroad on the ground of desertion, all wages earned by him previous to his desertion shall be applicable in the first instance towards the discharge of any expenses incurred in relieving him, and the balance of such wages (if any) shall be forfeited and applied in the manner in which forfeited wages are by this Act required to be applied, provided that where the person or persons granting the certificate authorizing the seaman or apprentice to be left abroad, or the Board of Trade, is or are satisfied that the seaman or apprentice did not desert, he or they shall restore the wages to him.

Indorsement of certificate on ship's agreement. *Ib.*

185. When any certificate for discharging or leaving abroad any seaman or apprentice is granted, the person or persons granting the same shall indorse upon the agreement of the ship which the seaman or apprentice is leaving a statement of the fact, and, if satisfied of the correctness of the account of the wages due to a seaman or apprentice, shall indorse a receipt for the same upon one of the

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duplicates of such account delivered to him or them as aforesaid, and shall return the duplicate so indorsed to the master, and, where the seaman or apprentice has deserted, shall indorse upon the agreement of the ship a statement of the payment (if any) of the wages due to such deserter; and if such wages are not paid to the person or persons granting the certificate, they may be recovered summarily by the Board of Trade.

Amount to be paid for expenses of seamen left abroad.

17 & 18 Vict. c. 104. ss. 205–213.

186. It shall be lawful for the Board of Trade from time to time to make, alter, and revoke regulations with respect to the amount to be deposited in accordance with the provisions of this Act for the expenses of the maintenance and return passage of seamen and apprentices discharged or left abroad, and all such regulations so long as they are in force shall be of the same effect as if they were enacted in this Act, and in default of any such regulations the requisite amount shall be determined by the person or persons authorized by this Act to grant certificates for the discharge or leaving of seamen abroad.

For the purposes of this Act, the term "maintenance" includes the cost of medical attendance in case of sickness and burial in case of death.

Expenses of maintenance, &c. to be a charge on the ship.

Ib.

187. Subject to the provisions of this Act with respect to seamen discharged for misconduct, and with respect to the relief of distressed seamen, the expenses of the maintenance and return passage of any seaman or apprentice shall be a charge upon the ship to which the seaman or apprentice belonged at the time of his being discharged or left abroad, and where an amount sufficient to provide for such expenses is not deposited in accordance with this Act they or any part thereof may, if the seaman or apprentice has paid the same, or rendered himself liable to pay the same, be sued for and recovered by such seaman or apprentice or his representatives in the same manner as wages under this Act.

Where a seaman is discharged for his misconduct, expenses of his maintenance may be deducted from wages.

Ib.

188. Where any seaman or apprentice is discharged abroad, it shall be lawful for any court in which the wages of seamen may be sued for and recovered, or for any consular officer in any place out of Her Majesty's dominions, if satisfied that the discharge of the seaman or apprentice is due to his misconduct, to order that the expenses of his maintenance and return passage, or any part of such expenses, be paid by the seaman or apprentice himself; and such expenses shall be payable accordingly, and may, if they have been paid or deposited by the master of the ship, be deducted from any wages due to the seaman or apprentice; but nothing in this section shall affect the liability of any master or owner of a ship to repay

any expenses which may be incurred in pursuance of this Act in respect of the relief of such seaman or apprentice by any person or persons authorized to provide for seamen and apprentices who are in distress in any place abroad.

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189. Payment of the wages of seamen and apprentices discharged or left abroad, and of the sum to be deposited to meet the expenses of their maintenance and return passage, shall, whenever it is practicable so to do, be made in money and not by bill.

Payment of seamen's wages to be in cash where practicable. 17 & 18 Vict. c. 104. s. 210.

Where payment is made by bill the person to whom the payment is made shall certify by indorsement on the bill the purpose for which it is drawn, and shall also indorse the amount for which the bill is drawn, with such further particulars as the Board of Trade require, on the agreement of the ship. Where payment is made by bill drawn by the master the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of this section, and to be indorsed as in this section required, if produced out of the custody of the Board of Trade or of the Registrar of Seamen, or of any superintendent of any mercantile marine office, shall be received in evidence; and any indorsement on any such bill purporting to be made in pursuance of this section shall also be received in evidence, and shall be deemed to be primâ facie evidence of the facts stated in such indorsement.

190. Where any seaman or apprentice has been discharged or left abroad, and a duplicate of the account of his wages has been returned to the master, the master shall, within forty-eight hours after his arrival at his port of discharge, deliver the same to a superintendent of a mercantile marine office there.

Accounts of expenses of seamen relieved. *Ib.*

The person to whom the wages of a seaman or apprentice discharged or left abroad at any place are paid under this Act shall retain the other duplicate of the said account, and shall, if the seaman or apprentice subsequently obtains employment at or quits such place, deduct out of the sum received by him as aforesaid on account of wages any expenses which have been incurred by him in respect of the seaman or apprentice under the provisions in this Act contained, over and above the sum deposited for his expenses, and shall, except where the seaman or apprentice has deserted, pay the remainder of the wages to the seaman or apprentice, and shall also deliver to him an account of the sums

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Distressed Seamen.

so received and expended on his behalf, and shall, if the seaman or apprentice dies before his ship quits such place, deal with such wages in the manner in this Act specified in that behalf, and shall, if the seaman or apprentice is sent home at the public expense under the provisions in this Act contained, account for the amount received on account of wages to the Board of Trade; and such amount shall, after deducting any expenses which have been duly incurred in respect of such seaman or apprentice, be dealt with as wages to which the seaman or apprentice is entitled.

The amount deposited for the expenses of the seaman or apprentice shall be accounted for by the person who receives the same to the Board of Trade, and the residue of the amount (after defraying the expenses incurred) shall be returned to the owner of the ship.

Discharge of seamen abroad to be conducted in same manner as in the United Kingdom.

191. The discharge of seamen discharged abroad shall take place before the persons authorized by this Act to grant certificates for discharging or leaving seamen abroad; and the rules which are in this Act contained with respect to the discharge of seamen before, and the deposit of seamen's wages with superintendents of mercantile marine offices in the United Kingdom, with the penalties imposed on persons making default with respect thereto, shall, save as by this Act otherwise provided, apply to the discharge of seamen before and the deposit of seamen's wages with the said authorized persons, and such persons shall have all the powers which superintendents of mercantile marine offices in the United Kingdom are by this Act enabled to exercise with respect to such discharge, and with respect to wages deposited with them.

Distressed Seamen.

Distressed seamen found abroad may be relieved and sent home at the public expense.

17 & 18 Vict. c. 104. s. 211. 18 & 19 Vict. c. 91. s. 16. 25 & 26 Vict. c. 63. s. 22.

192. The Board of Trade may from time to time make, revoke, and alter regulations with respect to the maintenance and return of distressed seamen, and such regulations shall, so long as they are in force, have effect as if they were enacted in this Act.

The following authorities, that is to say, superintendents of mercantile marine offices, governors of British possessions, British consular officers, and such other officers as Her Majesty may from time to time by Order in Council appoint in that behalf, shall, and, in places where there are no such officers, any two resident British merchants may, in accordance with the said regulations, and on the conditions therein prescribed, provide for the maintenance and return of all seamen and apprentices to the sea service, whether subjects of Her Majesty or not, who have been discharged or left abroad or shipwrecked from any British ship, and are in distress in any place abroad, and of all seamen and apprentices to the sea

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service, being subjects of Her Majesty, who have been discharged or left abroad or shipwrecked from any foreign ship, or who are in distress in places abroad, all which seamen and apprentices are included in this Act under the term distressed seamen.

Where the said authorities provide such distressed seamen with a passage in a ship, they shall indorse on the agreement with the crew of the ship the name of every person for whom a passage is so provided on board thereof, with the prescribed particulars.

The said authorities shall be allowed in respect of the expenses of the maintenance and return of distressed seamen the prescribed sums, which shall, on the production of the bills of disbursements, with the proper vouchers, be paid by the Board of Trade.

No seaman or apprentice shall have any right to be maintained or sent home except in the cases and to the extent prescribed by the said regulations.

Masters of ships compelled to take seamen.

17 & 18 Vict. c. 104. s. 212.

193. The master of every ship shall receive and afford a passage and maintenance to all distressed seamen whom he is required under this Act to take on board his ship, not exceeding one for every hundred tons of gross register tonnage, and shall convey them to any port to which he may be bound directly or in the course of his voyage, and to which he is ordered to convey them, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

On the production of a certificate, signed by the authority by whose directions any such distressed seaman was received on board, in the form and specifying the particulars prescribed by the said regulations, and on a declaration made by the master before a justice, and verified by the Registrar General of Seamen, stating the particulars prescribed as aforesaid, the master shall be entitled to be paid in respect of the maintenance and passage of every seaman or apprentice so conveyed, maintained, and provided for by him, exceeding the number (if any) wanted to make up the complement of his crew, the sum per diem prescribed by the said regulations.

If any master fails to comply with the provisions of this section, he shall incur a penalty not exceeding one hundred pounds for each seaman or apprentice with respect to whom he makes such default.

Expenses of relief of distressed seamen.

17 & 18 Vict. c. 104. s. 213. 18 & 19 Vict. c. 91. s. 16.

194. All expenses incurred under this Act for the relief of distressed seamen, and also all expenses incurred by any foreign government for the like purpose, and repaid by Her Majesty's government, shall, so far as they are not paid out of money deposited in accordance with this Act on the discharge or leaving of seamen abroad, be paid out of money provided by Parliament.

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Volunteering into the Navy.

All such expenses, together with the wages and compensation, if any, due to any distressed seaman, shall be a charge upon the ship, whether British or foreign, to which such distressed seaman belonged, and shall be a debt due to Her Majesty from the master of such ship, or from the owner of such ship for the time being, or, if the ship be a foreign ship, from any persons who engaged such seaman for service in the ship; and such debt may be recovered by the Board of Trade in the name of Her Majesty either by ordinary process of law, or in the manner in which wages may be recovered by seamen under this Act.

In any such proceedings production of the account (if any) of the said expenses, furnished in accordance with this Act or the said regulations, and of a certificate of payment of the said expenses by the Board of Trade or by the Paymaster General, purporting to be signed by a secretary or assistant secretary of the said Board or by the said Paymaster General, shall be sufficient evidence that the said expenses were defrayed by Her Majesty.

Volunteering into the Navy.

Power by Order in Council to authorize volunteering of merchant seamen into the navy.

195. It shall be lawful for Her Majesty at any time to declare by Order in Council that merchant seamen may volunteer into the navy.

The order shall continue in force for such period as is named therein, or until it be cancelled by a subsequent Order in Council; and it shall apply to such ships and in such places as are specified in the order, or, if no ships or places be specified therein, to all British ships wherever they may be.

Seamen allowed to leave their ships in order to enter the navy.

17 & 18 Vict. c. 104. s. 214.

196. So long as any order authorizing merchant seamen to volunteer into the navy is in force, and subject to the limitations, if any, contained in such order, any seaman may leave his ship for the purpose of forthwith entering into the naval service of Her Majesty, and such leaving his ship shall not be deemed a desertion therefrom, and shall not render him liable to any punishment or forfeiture whatever; and all stipulations introduced into any agreement whereby any seaman is declared to incur any forfeiture or be exposed to any loss in case he enters into Her Majesty's naval service in pursuance of this section shall be void, and every master or owner who causes any such stipulation to be so introduced shall incur a penalty not exceeding *twenty* pounds.

Clothes and wages of seamen

197. Whenever any seaman, without having previously committed any act amounting to and treated by the master as desertion, leaves his ship in order to enter into the naval service of Her

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Majesty, in pursuance of this Act, and is received into Her Majesty's service, the master shall deliver to him his money, clothes, and effects on board such ship, and shall pay the proportionate amount of his wages down to the time of such entry, subject to all just deductions, to the officer authorized to receive the seaman into Her Majesty's service, either in money or by bill drawn upon the owner, and payable at sight, to the order of the Accountant General of the Navy; and the receipt of such officer shall be a discharge for the money or bill so given; and such bill shall be exempt from stamp duty.

volunteering into navy. 17 & 18 Vict. c. 104. s. 215

If upon any seaman leaving his ship in the manner and for the purpose aforesaid the master fail to deliver his money, clothes, and effects, or to pay his wages, as by this Act required, he shall, in addition to his liability to pay and deliver the same, incur a penalty for each offence not exceeding twenty pounds.

198. The regulations contained in the sixth schedule to this Act shall have effect with regard to the wages of any seaman who is received into Her Majesty's service as aforesaid, and such regulations shall be of the same force as if they were enacted in the body of this Act.

Regulations in schedule with regard to wages of seamen received into navy.

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199. Every ship shall, except in cases where the crew are bound by the agreement to find their own provisions, be furnished by the master or owner with provisions for the use of the crew of good quality and fit for use, and in such quantity as is required by the articles of agreement, or in default of such requirement of sufficient quantity, and every ship shall have water for the use of the crew of sufficient quantity and of good quality and fit for use.

Provisions and water to be sufficient and good. 17 & 18 Vict. c. 104. ss. 221, 222. 30 & 31 Vict. c. 214. s. 4.

200. In the case of every foreign-going ship, not exempted by the Board of Trade, the regulations contained in the seventh schedule to this Act with respect to medicines, medical stores, anti-scorbutics, and books of instructions, shall be observed in the same manner as if they were enacted in the body of this Act; and if any such regulations are not observed, in the case of any such ship, the owner and master of such ship shall each incur for each default a penalty not exceeding *twenty* pounds, unless he can prove that such non-observance was not caused through his neglect or default; and if it is proved that some person, other than the master or owner, is in default, such other person shall incur a penalty not exceeding *twenty* pounds.

Regulations respecting medicines, anti-scorbutics, &c. 30 & 31 Vict. c. 124. s. 4.

The Board of Trade may grant exemptions from the provisions of this section, upon such terms and conditions as they think fit, and

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any person infringing such terms or conditions shall incur a penalty not exceeding *twenty* pounds.

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Allowance for short or bad provisions. 17 & 18 Vict. c. 104. s. 223.

201. In the following cases; (that is to say,)

(1.) If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore);

(2.) If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use;

(3.) If the anti-scorbutics are not served out to any seaman in accordance with the provisions of this Act,

the seaman shall receive, by way of compensation for such reduction, bad quality, or non-service, as the case may be, according to the continuation thereof, the following sums, to be paid to him in addition to and to be recoverable as wages; (that is to say,)

(1.) If his allowance is reduced by any quantity not exceeding one third of the quantity specified in the agreement, a sum not exceeding fourpence a day:

(2.) If his allowance is reduced by more than one third of such quantity, eightpence a day:

(3.) In respect of such bad quality as aforesaid, a sum not exceeding one shilling a day:

(4.) For every day on which the anti-scorbutics are not served out, a sum not exceeding one shilling a day:

But if it is shown to the satisfaction of the court before which the case is tried that any provisions or anti-scorbutics the allowance of which has been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were so far as possible supplied in lieu thereof, the court shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Sale of medicines, &c. of bad quality. 30 & 31 Vict. c. 124. s. 5.

202. The Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter eighty-four, intituled "An Act for preventing the adulteration of articles of "food or drink," shall extend to all medicines, medical stores, and anti-scorbutics required to be provided in pursuance of this Act in the same manner as if they were included in the said first mentioned Act under the term articles of food and drink; and any such medicines, medical stores, or anti-scorbutics which are of bad

quality shall be deemed to be not pure within the meaning of that Act.

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Power to governors, &c. to make regulations as to supply of lime or lemon juice, &c. 30 & 31 Vict. c. 124. s. 6.

203. In any British possession the governor or officer administering the government for the time being shall, subject to the laws of such possession, have power to make regulations concerning the supply within such possession of anti-scorbutics for the use of ships; and any anti-scorbutics duly supplied in accordance with any such regulations shall be deemed to be fit and proper for the use of ships.

Masters to keep weights and measures on board. 17 & 18 Vict. c. 104. s. 225.

204. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness whenever any dispute arises about such quantities; and in default shall for every offence incur a penalty not exceeding *ten* pounds.

Expenses of medical attendance in case of illness. 17 & 18 Vict. c. 104. s. 228. 30 & 31 Vict. c. 124. s. 7.

205. With respect to expenses of surgical and medical advice, attendance, and medicines, and other expenses attendant on the illness, injury, or death of any master, seaman, or apprentice to the sea service, the following provisions shall have effect; that is to say,—

(1.) If the master or any seaman or apprentice receives any hurt or injury in the service of the ship to which he belongs, such expenses, and also the expenses of necessary clothing and of his subsistence until he is cured, or dies, or is brought back to the port at which he was shipped, and of his conveyance to such port, and the expense (if any) of his burial, shall be defrayed by the owner of such ship, without any deduction on that account from the wages of such master, seaman, or apprentice:

(2.) If the master or any seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the said expenses, and also the expense of such removal and of his subsistence while away from the ship, shall be defrayed in like manner:

(3.) If any seaman or apprentice who is ill has, through the neglect of the master or owner of the ship, not been provided with proper provisions and water according to his agreement, or with such medicines, medical stores, or anti-

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scorbutics, or such accommodation as are required by this Act, the said expenses, not exceeding in the whole three months wages, shall, unless it can be proved that such illness has been produced by other causes, be defrayed in like manner, or by the master of the ship if he was in default; but this provision shall not affect any further liability of the master or owner for such neglect or any other remedies possessed by such seaman or apprentice:

(4.) The expense of all medicines and surgical or medical advice and attendance given to any master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner:

(5.) In all other cases any reasonable expenses duly incurred by the owner for any master, seaman, or apprentice in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any master, seaman, or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of such master, seaman, or apprentice.

Recovery of expenses from owner. 17 & 18 Vict. c. 104. s. 229. 30 & 31 Vict. c. 124. s. 7.

206. If any of such expenses in respect of the illness, injury, or death of any seaman or apprentice as are to be paid by the master or owner are paid by any consular officer or other person on behalf of Her Majesty, or by any parochial or other local authority, or if any other expenses in respect of the illness, injury, or death of any seaman or apprentice whose wages are not accounted for to such officer under the provisions in this Act contained in that behalf are so paid, such expenses shall be repaid to such officer or other person or authority by the master of the ship, and if not so repaid the amount thereof, with costs, shall be a charge upon the ship, and be recoverable from the said master or from the owner of the ship, in the case of such consular officer or other person, in the same manner as the expenses of the relief of distressed seamen are recoverable under this Act, and in the case of such authority, as a debt due to such authority, and as wages due to seamen may be recovered; and in any proceeding for the recovery thereof the production of a certificate of the facts, purporting to be signed by such officer or other person or authority, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by such officer or other person or authority as aforesaid.

Certain ships to carry medical

207. Every foreign-going ship having one hundred persons or upwards on board, shall unless exempted by the Board of Trade, carry on board as part of her complement some duly authorized medical

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Power of making Complaint.

practitioner; and in default the owner shall for every voyage of any such ship made without such medical practitioner incur a penalty not exceeding *one hundred* pounds: Provided that nothing in this section shall apply to any passenger ship within the meaning of the Merchant Shipping Code (Passengers Act), 1871.

practitioners. 17 & 18 Vict. c. 104. s. 230.

208. Every place in any ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet, measured on the deck or floor of such place.

Accommodation for seamen. 30 & 31 Vict. c. 124. s. 9.

Every such place shall be kept free from goods or stores of any kind not being the personal property of the crew in use during the voyage, and if any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in such place the sum of one shilling a day for each day after complaint made to him by any two or more of such seamen during which any such goods or stores as aforesaid are kept or stored in any such place.

With respect to every such place the regulations contained in the eighth schedule to this Act shall be observed, and if any of the requirements of this section are not complied with in the case of any ship, the owner of such ship shall for each offence, and in addition to any forfeiture payable to a seaman or apprentice under this section, incur a penalty not exceeding *twenty* pounds.

209. The governor of any British possession may from time to time appoint surveyors, who shall have and may exercise within such possession for the purpose of surveying crew spaces all the powers of surveyors appointed by the Board of Trade under this Act.

Governors of British possessions may appoint surveyors. 31 & 32 Vict. c. 129. s. 3.

Power of making Complaint.

210. Any three or more of the crew of any ship may make a complaint to any justice of the peace, officer in command of any of Her Majesty's ships, superintendent of a mercantile marine office, British consular officer, or chief officer of customs,—

Power for seamen to make complaint. See 17 & 18 Vict. c. 104. s. 232.

(1.) That the enactments of this Act, with respect to provisions, water, medicine, medical stores, and anti-scorbutics, have not been complied with in the case of such ship; or

(2.) That the accommodation in such ship is insufficient.

Any seaman or apprentice to the sea service may make a complaint with respect to any other matter to any of the persons to whom complaint may be made respecting any of the matters mentioned in this section.

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Power of making Complaint.

If the persons or person by this Act authorised to make complaint be on board ship, and state to the master of the ship their or his desire to make any such complaint, the master shall, if the ship be then at a place where there is any person to whom such complaint may be made, so soon as the service of the ship will permit, and, if the ship be not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such complainant to go ashore or send him ashore, or, in the case of complaint to a naval officer, to the ship of such officer, in proper custody, so that he may be enabled to make such complaint, and shall, in default, incur a penalty not exceeding *ten* pounds.

Where the complaint is in respect of provisions, water, medicine, medical stores, or anti-scorbutics, or of accommodation, the person to whom such complaint is made may inspect the ship or any articles complained of, or cause the same to be inspected by any competent person, and he, or any person appointed by him, shall for that purpose have all the powers of a surveyor appointed by the Board of Trade.

If on such inspection the complaint proves to be well founded, the expenses of the inspection, to be determined by the person to whom the complaint is made, shall be paid by the master or owner of the ship, and shall be a charge upon the ship, and the person to whom the complaint is made may order the master of the ship to remedy the defect complained of, and, if need be, to abstain from using any article which may have been proved to be of bad quality or unfit for use.

If the master fail to comply with any such order, he shall incur a penalty not exceeding *twenty* pounds.

If any complaint made under this section be frivolous in the opinion of the person to whom it is made, the expenses, determined as aforesaid, of any inspection made in consequence thereof shall be paid by the complainants, and the complainant, or each complainant if more than one, shall, in addition to the payment of such expenses, be liable to forfeit to the master or owner of the ship such sum, not exceeding *five* pounds, as the person to whom complaint is made may determine.

Such expenses, and any sum so forfeited, may be deducted from the wages of the complainant, or may be recovered summarily.

In every inspection under this section the person making the same, or causing the same to be made, shall enter a statement of the result thereof in the official log of the ship, and shall send a report thereof to the Board of Trade; and such report, if produced out of the custody of the Board or their officers, shall be admissible as evidence of the matters therein stated.

Protection of Seamen from Imposition.

Protection of Seamen from Imposition.

211. No assignment or sale of salvage payable to any seaman or apprentice to the sea service shall bind the person making the same; and no power of attorney or authority for the receipt of any such salvage shall be irrevocable.

Sale of salvage invalid. 17 & 18 Vict. c. 104. s. 233.

212. No debt exceeding in amount *five shillings* incurred by any seaman after he is engaged to serve shall be recoverable until the service agreed for is concluded.

No debt exceeding 5*s.* recoverable till end of voyage. 17 & 18 Vict. c. 104. s. 234.

213. If any person demands or receives from any seaman or apprentice to the sea service payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding *ten* pounds.

Penalty for overcharges by lodging-house keepers.

214. If any person receives or takes into his possession or under his control any money, documents, or effects of any seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice, or absconds therewith, he shall incur a penalty not exceeding *ten* pounds; and any court of summary jurisdiction may, besides inflicting such penalty, by summary order direct the amount of such money, or the value of such documents or effects, subject to such deduction as aforesaid (if any), or the documents or effects themselves, to be forthwith paid or delivered to such seaman or apprentice.

17 & 18 Vict. c. 104. s. 235.

Penalty for detaining seamen's effects. 17 & 18 Vict. c. 104. s. 236.

215. If any person having in his possession a certificate of service granted before the commencement of this Act, or a certificate of competency of any officer certificated under this Act, or any certificate of discharge of any such officer, or of any seaman, fails to deliver the same up to the owner of such certificate, or in the absence of such owner to the Registrar General of Seamen, or to any superintendent of a mercantile marine office, on being required so to do by such owner, or in his absence by such Registrar General or superintendent, he shall for each offence incur a penalty not exceeding *ten* pounds, and such penalty shall be in addition to any other penalty to which he may be liable for such failure, and any court of summary jurisdiction may, besides inflicting such penalty, by summary order, direct such certificate to be forthwith delivered up as aforesaid.

Penalty for detaining certificate.

216. It shall be lawful for any harbour authority, with the consent of the Board of Trade, to license persons to act as porters at

Unauthorized persons not to go on

A.D. 1871.

Inquiries into Incompetency or Misconduct of Officers.

any place within their jurisdiction, in taking luggage or effects out of ships there discharged, upon such conditions and subject to such regulations as to revocation of licence and otherwise as such harbour authority think fit.

board ship without permission.

See 17 & 18 Vict. c. 104. s. 237.

Every person who, not being so licensed or otherwise authorized by law, and not being in Her Majesty's service, goes on board any ship without the permission of the master, shall for every such offence incur a penalty not exceeding *twenty* pounds; and the master may take any such person so going on board as aforesaid into custody, and deliver him up as soon as practicable to any constable or peace officer, to be by him taken before a court of summary jurisdiction, to be dealt with according to law.

Penalty for solicitations by lodging-house keepers.

17 & 18 Vict. c. 104. s. 238.

217. If upon or after the arrival of any ship at any port in the United Kingdom, any person then being on board such ship solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under the personal direction of the seaman, and with the permission of the master, he shall for every such offence incur a penalty not exceeding *five* pounds.

Inquiries into Incompetency or Misconduct of Officers.

Inquiry into the incompetency or misconduct of a master or officer.

See 17 & 18 Vict. c. 104. ss. 241, 438, and 25 & 26 Vict. c. 63. ss. 23, 24.

218. If at any time complaint is made to the Board of Trade, with reference to any certificated officer, that is to say, any master, mate, or engineer possessing a certificate of competency, that such officer is, by reason of incompetency, drunkenness, tyranny, or gross negligence, unfit to discharge his duties, or has committed any act of misconduct for which his certificate is liable to be cancelled or suspended, the Board of Trade may cause inquiry to be made into the conduct of such officer.

Conduct of inquiry.

219. The inquiry shall be held at such place as the Board of Trade appoint by the local court of Admiralty, or a court of summary jurisdiction.

The Board of Trade shall, before the commencement of the inquiry, furnish to every officer whose conduct is in question a statement of the case on which the inquiry is instituted.

Some person appointed by the Board of Trade shall undertake the management of the case.

The officer whose conduct is in question may attend the inquiry and may, if he think fit, be sworn and examined as an ordinary witness in the case.

The court shall, upon the conclusion of the inquiry, send to the Board of Trade a report containing a full statement of the case

and their opinion thereon, and such report of or extracts from the evidence as the court think fit.

Inquiries into Incompetency or Misconduct of Officers.

The court shall have power to cancel or suspend the certificate of the officer if they find that he is by reason of incompetency, drunkenness, tyranny, or gross negligence unfit to discharge his duty; or that he has committed any act of misconduct for which his certificate is under this Act liable to be cancelled or suspended.

The court may, if they think fit, require the officer to deliver up his certificate; and if any officer fail without sufficient cause to the satisfaction of the court to comply with such requisition he shall incur a penalty not exceeding one hundred pounds.

The court shall hold such certificate until the conclusion of the inquiry, and shall then either restore, or cancel, or suspend the same, according to their judgment on the case.

Restoration of certificate by Board of Trade. 17 & 18 Vict. c. 104. ss. 241, 263, 438.

220. The Board of Trade may at any time, if it is shown to them to be just so to do, renew or restore, on such terms as they think fit, a certificate cancelled or suspended by a court of inquiry as above mentioned, or by a naval court, or by any competent authority in any British possession other than that in which the certificate was granted.

Special assessors. 17 & 18 Vict. c. 104. s. 434. 25 & 26 Vict. c. 63. s. 23.

221. Where nautical or engineering skill and knowledge are required for the purposes of any such inquiry, a judge of a chief court of Admiralty shall, at the request of the Board of Trade, or of the court by whom the inquiry is to be held, or at the request and cost of any other party to the inquiry, appoint some person or persons of nautical or engineering skill and knowledge to act as special assessor or assessors in such inquiry; and such assessor or assessors shall during such inquiry form part of the court, and upon the conclusion of the case sign the report, or if he or they dissent therefrom shall signify in writing such dissent and the reasons for the same to the said Board.

Power of court to compel attendance of witnesses, &c.

222. The court holding any such inquiry shall, for the purpose of summoning parties and witnesses, compelling their attendance, and the production of documents and the regulation of the proceedings, have the same powers as if the inquiry were a proceeding relating to some summary matter within their ordinary jurisdiction, and shall, in addition, have all the powers conferred by the Merchant Shipping Code (General Provisions Act), 1871, upon inspectors appointed by the Board of Trade.

Costs and expenses of inquiry.

223. The court holding any such inquiry may make such order with respect to the costs and expenses thereof as they may think

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just; and such order shall be enforced in the same manner as if the same were made in some summary matter within their ordinary jurisdiction.

Compensation, &c. payable by Board of Trade.

224. The court holding any such inquiry may allow to any officer whose certificate they restore a reasonable compensation for loss of time and expenses, to be paid by the Board of Trade.

The Board of Trade may also, if in any case they think fit, pay all or any part of the expenses of such inquiry, and may pay to the members of the court holding the same, including any assessors appointed as herein-before provided, such remuneration as the Board may, with the consent of the Treasury, appoint.

Any compensation, expenses, or remuneration paid by the Board of Trade under this section shall be paid out of moneys provided by Parliament.

Board of Trade may suspend or cancel certificate of officer convicted of any offence. 17 & 18 Vict. c. 104. s. 242.

225. The Board of Trade may suspend or cancel the certificate of any master, mate, or engineer possessing a certificate of competency who is proved to the satisfaction of the said board to have been convicted of any offence.

Removal of master by Admiralty Court. 17 & 18 Vict. c. 104. s. 240.

226. Any British court having Admiralty jurisdiction may remove the master of any ship within the jurisdiction of such court, if such removal is shown to the satisfaction of such court to be necessary. The removal may be made upon the application of any owner of such ship or his agent, or the consignee of the ship, or any certificated mate, or one third or more of the crew of such ship.

The court may also appoint a new master instead of the one removed; but, where communication with the owner of the ship is practicable, no such appointment shall be made without his consent.

The court may also make such order and require such security in respect of the costs of the matter as the court may think fit.

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Mutinous conduct. 11 & 12 W. 3. c. 7. s. 9. 17 & 18 Vict. c. 104. s. 243.

227. Where any seaman or any apprentice to the sea service commits any of the following offences, in this Act termed mutiny, that is to say, either—

(1.) Unlawfully takes any ship out of the authority of the master, or conspires or unlawfully endeavours to take a ship out of the authority of the master; or

(2.) Unlawfully confines the master or any officer of his ship when on the high seas, or conspires or unlawfully endeavours to confine him; or

(3.) Makes or conspires or endeavours to make a revolt on board any ship when on the high seas; or

(4.) Unlawfully combines with any of the crew to disobey lawful commands or to neglect duty, or to impede the navigation of the ship or the progress of the voyage,

he shall be deemed to be guilty of felony, and shall for each offence be liable to penal servitude for a period not exceeding seven years.

Any seaman or apprentice who commits any of the offences mentioned in this section shall also, if prosecuted and convicted before a court of summary jurisdiction, be liable to imprisonment for any period not exceeding *six* months, with or without hard labour, and to forfeit all wages due to him.

Provided that no person shall, under this section, be prosecuted twice for the same offence.

Desertion and kindred offences. 17 & 18 Vict. c. 104. ss. 243, 246, 247, & 248.

228. Where any seaman or apprentice to the sea service commits any of the following offences (in this Act referred to as desertion or a kindred offence), that is to say,

(*a.*) Deserts from his ship;

(*b.*) Neglects or refuses, without reasonable cause, at any time during his engagement, to join his ship, or to proceed to sea in his ship; or

(*c.*) Is absent without leave, and without sufficient reason, from his ship or his duty at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage,

he shall be liable, on summary conviction, to imprisonment for any period not exceeding *three* months, with or without hard labour, and also, at the discretion of the court, to forfeit,

(1.) In case of desertion, all or any part of the clothes and effects he leaves on board, and all or any part of the wages which he has then earned, and also, if such desertion takes place abroad, to forfeit all or any part of the wages he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and

(2.) In the case of any of the preceding offences not amounting to desertion, or not treated as such by the master, a sum not exceeding the amount of *two* days pay, and in addition for every twenty-four hours of absence either a sum not

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exceeding *six* days pay, or any expenses which have been properly incurred in hiring a substitute.

If any person commits an offence against the provisions of this section, the master or mate, or the owner, ship's husband, or consignee of the ship to which such person belongs, may arrest such person, without warrant, in any place in Her Majesty's dominions, and also at any place out of Her Majesty's dominions, if the law of such place so permits; and every constable shall give to the person making such arrest such assistance as he may require.

The person arresting the offender may, and in case the offender so requires, and it is practicable, shall, convey him before some court having cognizance of the offence, and for that purpose may detain him in custody for such period not exceeding *twenty-four* hours as may be necessary.

Such person may also, if the offender does not require to be taken before the court, or if there is no such court at or near the place, at once convey the offender on board his ship.

If any such arrest appears to the court to have been made on improper or insufficient grounds, the person who makes the same or causes the same to be made shall incur a penalty not exceeding *twenty* pounds; but the infliction of such penalty shall be a bar to any action for false imprisonment in respect of such arrest.

In any proceeding against a seaman or apprentice under this section, such seaman or apprentice may, if he thinks fit, be sworn and examined as a witness in the case.

Quitting ship without leave, disobedience, and assault on officers. 17 & 18 Vict. c. 104. s. 243.

229. Every seaman or apprentice to the sea service who commits any of the following offences shall be liable to be punished summarily, as follows; that is to say,

(1.) If he quit the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding *one* month's pay:

(2.) If he is

(*a.*) At any other time absent from his ship or his duty without leave and without sufficient reason, or,

(*b.*) Guilty of wilful disobedience to any lawful command, or of gross carelessness or wilful neglect in the discharge of his duty,

he shall be liable to imprisonment for any period not exceeding *four* weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding *ten* days pay, and if such disobedience or neglect is

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continued, to imprisonment for any period not exceeding twelve weeks, and also, at the discretion of the court, to forfeit out of his wages, for every twenty-four hours continuance of such disobedience or neglect, either a sum not exceeding *six* days pay, or any expenses which have been properly incurred in hiring a substitute:

(3.) If he assaults any officer of the ship he shall be liable to imprisonment for any period not exceeding *twelve* weeks, and to forfeit a sum not exceeding *one* month's pay.

In any proceeding against a seaman or apprentice under this section, such seaman or apprentice may, if he thinks fit, be sworn and examined as an ordinary witness in the case.

Any imprisonment under this section may be with or without hard labour.

Wilful damage and embezzlement by seamen. 17 & 18 Vict. c. 104. s. 243.

230. Every seaman or apprentice to the sea service who wilfully damages his ship, or embezzles or takes without permission any of her stores or cargo, or wilfully or by gross negligence wastes or damages the same, or embezzles or wilfully damages any property belonging to the crew, or passengers or other persons on board her, shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

Liability of seaman for loss to owner caused by smuggling. 17 & 18 Vict. c. 104. s. 203.

231. Where a seaman or apprentice to the sea service belonging to any ship is convicted of any act of smuggling, whereby loss or damage is occasioned to the master or owner of such ship, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

Penalty for false statement as to last ship or name. 17 & 18 Vict. c. 104. s. 255.

232. If any seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding *five* pounds; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any desertion previous to such engagement, be paid and applied in the same manner as other penalties payable under this Act.

Entry of offences in official log. 17 & 18 Vict. c. 104. ss. 244, 256.

233. Upon the commission of any offence under the provisions of this Act relating to discipline, or of any act of misconduct, for

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which the offender's agreement imposes a fine, and which it is intended to punish by imposing such fine, or upon the disrating of any of the crew for incompetency, an entry thereof shall be made in the official log book, if any, and shall be signed by the master and also by the mate or one of the crew; and the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or, if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offence or misconduct.

Survey of ships alleged by seamen to be unseaworthy.

234. Whenever in any proceeding against any seaman or apprentice belonging to any ship for an offence against the provisions of this Act relating to desertion and offences kindred to desertion, it is alleged that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in such ship is insufficient, the court having cognizance of the case may, and if required by either party shall, cause such ship to be surveyed.

For the purposes of this section, the court shall require any surveyor of the Board of Trade or any person appointed for the purpose by the Board of Trade, or an impartial surveyor appointed by the court, to survey such ship, and to answer any question concerning her which the court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board of Trade.

The court shall determine the sum (if any) to be paid as the costs of survey, and such sum shall be applied, paid, and accounted for in such manner as the Board of Trade direct.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea, the costs of the survey shall be paid by the seaman or apprentice upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages of such seaman or apprentice, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, the costs of the survey shall be paid to the Board of Trade by the master or owner.

Sending on board of seaman imprisoned for breach of discipline. 17 & 18 Vict. c. 104. s. 248.

235. Where a seaman or apprentice to the sea service has been convicted of desertion or any kindred offence under this Act, the court having cognizance of the offence, shall, upon the application of the master or the owner or owner's agent, instead of committing the offender to prison, or during such imprisonment, and notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived, cause him to be conveyed on board his ship for the purpose of proceeding on the voyage, and may deliver him to any person for the purpose of being so conveyed, and may, in such case, order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

In default of any such application, the court may, in its own discretion, cause the offender to be conveyed on board his ship, in the same manner as if such application had been made, and any master who fails or refuses to obey the direction of the court to receive any such offender on board, shall for each offence incur a penalty not exceeding *one hundred* pounds.

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence. 17 & 18 Vict. c. 104. s. 249.

236. In all cases of desertion from any ship in any place abroad the master shall produce the entry of such desertion in the official log book to the authority by this Act authorized to grant certificates for the discharge or leaving of seamen abroad; and such authority shall thereupon make and certify a copy of such entry.

Such copy shall be forthwith transmitted to the Registrar General of Seamen in England by such authority, if a public functionary, and if not, by the master, and shall, if required, be produced by the registrar in any legal proceeding; and such copy, if purporting to be so made and certified, and if proved to have come from the custody of the registrar, shall in any legal proceeding relating to such desertion be received as evidence of the entry therein appearing.

Facilities for proving

237. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for

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desertion, so far as concerns forfeiture of wages. 17 & 18 Vict. c. 104. s. 250.

the person insisting on the forfeiture to show that such seaman or apprentice belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate in the United Kingdom, and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log book; and thereupon the desertion shall, so far as relates to any forfeiture of wages under the provisions relating to discipline, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Application of forfeitures. 17 & 18 Vict. c. 104. s. 253.

238. All clothes, effects, and wages which, under this Act, are forfeited for desertion or any other offence, shall be paid and applied as follows:

1. In such mode, if any, as may be directed by any express provision of this Act:
2. In reimbursing the master or owner for any loss which he proves that he has sustained by reason of such desertion or offence:
3. In cases where the same are forfeited by the sentence of any court in such manner as such court, having regard to the provisions of this Act, may direct:
4. Subject as aforesaid the same shall be paid over to the superintendent of the mercantile marine office where the crew are discharged by the master or owner of the ship, and shall by such superintendent be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund.

If any master or owner neglects or refuses to pay over any such forfeiture in manner provided by this Act, he shall for each offence incur a penalty not exceeding twice the value of such forfeiture.

Questions of forfeiture may be decided in suits for wages. 17 & 18 Vict. c. 104. s. 254.

239. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Mode of ascertaining forfeiture out of wages. 17 & 18 Vict. c. 104. s. 252.

240. In the provisions of this Act relating to the forfeiture of wages, the term "wages" shall be deemed to include any emoluments received by the seaman or apprentice in his capacity of seaman or apprentice.

Whenever any seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period

of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a month or other the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Deduction from wages, and payments to superintendents, &c. of fines. 17 & 18 Vict. c. 104. s. 256.

241. Every fine imposed on any seaman for any act of misconduct for which his agreement imposes a fine shall be deducted and paid as follows; that is to say, if the offender is discharged in the United Kingdom or elsewhere, and the offence, and the entry in the log book required by this Act in respect thereof, are proved to the satisfaction of the superintendent before whom the offender is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay over the same to such superintendent.

If any master or owner neglects or refuses to pay over any such fine in manner provided by this Act, he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him.

No act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

Penalty for enticing to desert and harbouring deserters. 17 & 18 Vict. c. 104. s. 257.

242. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, or who prevents or attempts to prevent any seaman or apprentice from joining or proceeding to sea in his ship, shall for each such offence in respect of each such seaman or apprentice incur a penalty not exceeding *ten* pounds; and every person who wilfully harbours or secretes any seaman or apprentice who has wilfully neglected or refused to join or proceed to sea in, or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall for every such seaman or apprentice so harboured or secreted incur a penalty not exceeding *twenty* pounds.

Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to

243. Every seafaring person whom the master of any ship is, under the authority of this Act or of any part of the Merchant Shipping Code, 1871, or of any other Act of Parliament, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such

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ship, work on board such ship, to such reasonable extent as the master may require, and be subject to all the provisions of this Act with respect to discipline, and to the regulations for preserving discipline, and to the penalties and punishments for offences constituting or tending to a breach of discipline, in the same manner as if he were a member of the crew, and had signed the agreement.

penalties for breach of discipline. 17 & 18 Vict. c. 104. s. 245.

244. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of such ship, or of any other person entitled to give such consent, proof of which shall lie on the person so secreting himself and going to sea, shall be liable to a penalty not exceeding *twenty* pounds, or, in the discretion of the court, to imprisonment, with or without hard labour, for any period not exceeding *four* weeks.

Penalty for obtaining passage surreptitiously. 17 & 18 Vict. c. 104. s. 258.

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Naval courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad. 17 & 18 Vict. c. 104. s. 260.

245. In any place out of Her Majesty's dominions a court, in this Act called a naval court, may be summoned by any officer in command of any ship of Her Majesty, or by any consular officer, in the following cases; (that is to say,)

(1.) Whenever a complaint which appears to such officer to require immediate investigation is made to him by the master of any ship, or by any three or more of the crew of any such ship:

(2.) Whenever the interest of any owner or insurer of any ship or of the cargo thereof, or of any part of such ship or cargo, appears to such officer to require it: and

(3.) Whenever any ship is wrecked, abandoned, or lost at or near the place where such officer may be, or whenever the crew or part of the crew of any ship which has been wrecked, abandoned, or lost out of the United Kingdom arrive at such place.

Constitution of naval courts. 17 & 18 Vict. c. 104. s. 261.

246. Every such naval court shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of Her Majesty not below the rank of lieutenant, one a consular officer, and one a master of a merchant ship, and the rest shall be either officers in the naval service of Her Majesty, consular officers, masters of merchant ships, or British merchants, as the officer summoning the court thinks fit; and it shall be the duty of every British subject, duly summoned, to serve on such court; and such court may include the officer summoning the same, but shall not include the

master, owner, or consignee of the ship to which the parties complaining or complained against belong; and the naval or consular officer in such court, if there is only one such officer in the court, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of such court.

Functions of naval courts. 17 & 18 Vict. c. 104. s. 262.

247. Every naval court shall hear and investigate the complaint or other matter brought before them under this Act, or the cause of or circumstances attending the wreck, abandonment, or loss, and shall do so in such manner as to give every person against whom any complaint or charge is made an opportunity of making a defence. Such court may, for the purpose of such hearing and investigation, summon parties and witnesses, and compel their attendance and the production of documents. They may also order any person to be removed who interrupts the business of the court, or refuses to obey any order of the court; and it shall be the duty of any person who may be called upon by the court for that purpose to enforce such order, and such person shall have the same power and authority and be entitled to the same protection as if he were a constable in England.

Powers of naval courts. 17 & 18 Vict. c. 104. s. 263.

248. Every naval court may, after hearing and investigating the case, exercise the following powers; (that is to say,)

To remove the master.

(1.) They may, if unanimous that the safety of the ship or crew or the interest of the owner or insurer absolutely requires it, remove the master, and may appoint another person to act in his stead; but, where communication with the owner of the ship is practicable, no such appointment shall be made without his consent:

To cancel, &c. certificate.

(2.) They may cancel or suspend the certificate of any master, mate, or engineer, if they find that, by reason of drunkenness, tyranny, incompetency, or gross negligence, he is unfit to discharge his duty, or that he has committed any act of misconduct for which his certificate is, under this Act, or any other part of the Merchant Shipping Code, 1871, liable to be cancelled or suspended, subject, nevertheless, to the renewal or restoration of such certificate by the Board of Trade, as mentioned in this Act:

To discharge a seaman.

(3.) They may discharge any seaman from his ship:

To forfeit wages.

(4.) They may order the wages of any seaman so discharged or any part of such wages to be forfeited, and may direct the

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same either to be retained by way of compensation to the owner, or to be paid into the receipt of Her Majesty's Exchequer, in the same manner as other penalties and forfeitures under this Act:

To decide disputes as to wages, &c.

(5.) They may decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings:

To direct costs of imprisonment to be paid out of wages.

(6.) They may direct that all or any of the costs incurred by the master or owner or insurer of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of such seaman or apprentice, whether then or subsequently earned:

To send home offenders for trial.

(7.) They may exercise the same powers with regard to persons charged before them with the commission of offences at sea or abroad as are by The Merchant Shipping Code (Crimes Act), 1871, given to British consular officers:

To try summarily and punish. 18 & 19 Vict. c. 91. s. 18.

(8.) They may hear a complaint respecting and punish any offence against this Act, if committed by the master or any of the crew of a ship, and punishable summarily, and shall for that purpose have the same powers as a court of summary jurisdiction would have if the case were tried in the United Kingdom, subject to the following conditions:

(*a.*) That in cases where an offender is sentenced to imprisonment the senior naval or consular officer present at the place where the court is held shall in writing confirm the sentence and approve the place of imprisonment, whether on land or on board ship, as a proper place for the purpose; and,

(*b.*) That copies of all sentences made by any naval court summoned to hear any such complaint as aforesaid shall be sent to the commander-in-chief or senior naval officer of the station:

To order payment of costs, &c.

(9.) They may, if it appears expedient, order a survey of the ship to be made, and such survey shall accordingly be made, in the same way, and the surveyor who makes the same shall have the same powers, as if such survey had been directed by a competent court in pursuance of this Act, in the course of proceedings against a seaman or apprentice for an offence against the provisions of this Act relating to desertion and offences kindred to desertion:

(10.) They may order the costs of the proceeding before them, or any portion thereof, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby; and any costs or compensation so ordered to be paid shall be paid by such person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from the wages due to such person:

And all orders duly made by any such court under the powers hereby given to it shall in any subsequent legal proceedings be deemed conclusive as to the rights of the parties.

Orders to be entered in official log. 17 & 18 Vict. c. 104. s. 264.

249. All orders made by any naval court shall, whenever practicable, be entered in the official log book of the ship to which the parties to the proceedings before the court belong, and signed by the president of the court.

Report to be made of proceedings of naval courts. 17 & 18 Vict. c. 104. s. 265.

250. Every naval court shall make a report to the Board of Trade containing the following particulars; (that is to say,)

(1.) A statement of the proceedings, with the order made by the court, and a copy of the evidence:

(2.) An account of the wages of any seaman or apprentice who is discharged from his ship by such court:

(3.) If summoned in order to inquire into a case of wreck, abandonment, or loss, a statement of the opinion of the court as to the cause of such wreck, abandonment, or loss, with such remarks on the conduct of the master and crew as the circumstances require:

And every such report shall be signed by the president of the court; and every document purporting to be such a report and to be so signed as aforesaid, shall, if produced out of the custody of some officer of the Board of Trade, be deemed, unless the contrary is proved, to be such report, and shall be received as evidence of the said particulars.

Penalty for preventing complaint or obstructing investigation. 17 & 18 Vict. c. 104. s. 266.

251. Any person who wilfully and without due cause prevents or obstructs the making of any complaint to an officer empowered to summon a naval court, or the conduct of any hearing or investigation by any naval court, shall for each such offence incur a penalty not exceeding fifty pounds, or in default be liable to imprisonment, with or without hard labour, for any period not exceeding three months.

Official Logs.

Power for Board of Trade to remit penalties.

252. The Board of Trade may at any time mitigate or remit any penalty or punishment ordered by any naval court.

Official Logs.

Official logs to be kept in the prescribed form. 17 & 18 Vict. c. 104. ss. 280, 281, & 285. 25 & 26 Vict. c. 63. s. 13.

253. An official log of every foreign-going ship, not exempted as provided by this Act, shall be kept in the form prescribed from time to time by the Board of Trade.

Every entry in every official log required by this Act or by any other provision of the Merchant Shipping Code, 1871, shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates shall be made and dated so as to show the date of the occurrence and of the entry respecting it, and every such entry shall be signed in manner directed by this Act; and in no case shall any entry in any official log in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

Entries required in official log. 17 & 18 Vict. c. 104. ss. 282 & 285.

254. Every master of a ship in which an official log is required to be kept shall enter therein the following matters; (that is to say,)

Convictions. (1.) Every conviction of any member of his crew, and the punishment inflicted:

Offences. (2.) Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over of such entry, and concerning the reply (if any) made to the charge, as is by this Act required:

Punishments. (3.) Every offence for which punishment is inflicted on board, and the punishment inflicted:

(4.) Every case in which any officer or seaman is disrated for incompetency or misconduct:

Conduct, &c. of crew. (5.) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

Illnesses and injuries. (6.) Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

Deaths. (7.) Every death happening on board, and the date and cause thereof, and the name and surname, and the age (if known) of the deceased:

(8.) Every birth happening on board, and the date thereof, with the sex and name (if any) of the infant, and the names and surnames of the parents: Births.

(9.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof: Quitting ship.

(10.) The amount of wages due to any seaman who enters Her Majesty's service during the voyage: Wages of men entering navy.

(11.) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom: Wages of deceased seamen.

(12.) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and of the sum received for it: Sale of deceased men's effects.

(13.) Every collision with any other ship, and the circumstances under which the same occurred. Collisions.

255. The entries required by this Act to be made in official log books shall be signed as follows; that is to say, every such entry shall be signed by the master and by the mate or one of the crew, and every entry of illness, injury, or death shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master, and by the seaman or by the officer authorized to receive the seaman into such service. Entries how to be signed. 17 & 18 Vict. c. 104. s. 283.

256. All entries made in any official log book in manner prescribed by this Act shall be admissible as evidence of the matter so entered. Entries to be evidence. 17 & 18 Vict. c. 104. s. 285.

257. The following offences in respect of official log books shall be punishable as herein-after mentioned; (that is to say,) Penalties in respect of official logs. 17 & 18 Vict. c. 104. s. 285.

(1.) If in any case an official log book is not kept in the manner by this Act required, or if any entry by this Act directed to be made is not made at the time and in the manner by this Act directed, the master shall for each such offence incur the specific penalty in this Act or in any other part of the Merchant Shipping Code, 1871, mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding five pounds:

(2.) Every person who makes or procures to be made or assists in making any entry in any official log book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four

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Local Marine Boards.

hours after such arrival shall for each such offence incur a penalty not exceeding thirty pounds:

(3.) Every person who wilfully destroys or mutilates or renders illegible any entry in any official log book, shall for each such offence be deemed guilty of a misdemeanor.

Delivery of official logs to superintendent of mercantile marine office. 17 & 18 Vict. c. 104. ss. 172, 286.

258. The master of every ship required by this Act to keep an official log book shall, upon the discharge of the crew, or, in the case of a running agreement, on the termination of the agreement, deliver to the superintendent of a mercantile marine office before whom the crew is discharged the official log book; and if default is made in such delivery the master and owner of such ship shall each be liable to a penalty not exceeding ten pounds; and no officer of customs shall clear any such ship inwards without the production of a certificate from the superintendent of such delivery.

Official logs to be sent home in case of transfer of ship, and in case of loss. 17 & 18 Vict. c. 104. s. 287.

259. If any ship required under this Act to keep an official log book ceases by reason of transfer of ownership or change of employment to be a ship required to keep such log book, the master or owner thereof shall, if such ship is then in the United Kingdom, within one month, and if she is elsewhere within three months, after such cessation, deliver or transmit to the superintendent of the mercantile marine office at the port to which the ship belonged the official log book duly made out to the time of such cessation; and if any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent of the mercantile marine office at the port to which the ship belonged the official log book (if any) duly made out to the time of such loss or abandonment: Every master and owner who fails to comply with this section shall for each offence incur a penalty not exceeding *ten* pounds.

Local Marine Boards.

Continuance of local marine boards. 17 & 18 Vict. c. 104. s. 110.

260. In every port of the United Kingdom at which there is a local marine board registered at such port there shall continue to be a local marine board for carrying into effect the provisions of this Act at such port, under the superintendence of the Board of Trade, and each local marine board shall be constituted in manner specified in the ninth schedule to this Act.

Control of Board of Trade over local marine board. 17 & 18 Vict. c. 104. ss. 119, 120, and 121.

261. Every local marine board shall make and send to the Board of Trade such reports and returns as the Board of Trade from time to time require, and all minutes, books, and documents of or used or kept by any local marine board, or any superintendents of mercantile marine offices, or other officers or servants under the control of

any local marine board, shall be open to the inspection of the Board of Trade and its officers.

If any local marine board, by reason of any election not being held or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fail to meet or to discharge their duties, the Board of Trade may, in their discretion, either take into their own hands the performance of the duties of the local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of such local marine board shall take place immediately.

If on complaint made to the Board of Trade it appears to them that any appointments or arrangements made by any local marine board under the powers of this Act are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify the same, as they think expedient.

If by reason of the transfer of the business of any mercantile marine office to the custom house of any place, or from any other cause, any local marine board, in the opinion of the Board of Trade, cease to have duties to perform, such local marine board shall thereupon cease to exist.

Mercantile Marine Offices.

Establishment of mercantile marine offices.

262. A mercantile marine office shall be established at every port of the United Kingdom, with the requisite buildings, property, superintendents, deputies, clerks, and servants.

17 & 18 Vict. c. 104. ss. 122, 128, & 129.

263. In ports where there is a local marine board such board shall procure the buildings and property, appoint and remove the superintendents and officers, and have the control of mercantile marine offices, subject to the following restrictions :—

Control of mercantile marine offices by Board of Trade or local marine board.

17 & 18 Vict. c. 104. ss. 122, 123, & 129.

(1.) Where an office in a sailors home was appointed to be a mercantile marine office before the passing of this Act, the Board of Trade may continue such office as a mercantile marine office, and such office, and the superintendent and officers thereof, shall be appointed by and subject to the immediate control of the Board of Trade, and not of the local marine board :

(2.) The Board of Trade shall have the immediate control of every mercantile marine office, as far as regards the receipt and payment of money thereat, and every person appointed in any such office shall, before entering upon his duties,

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give such security for the due performance thereof as the Board of Trade require:

(3.) The sanction of the Board of Trade shall be necessary, so far as regards the number of persons to be appointed in any office by a local marine board, and the amount of their salaries and wages, and all other expenses:

(4.) The Board of Trade may require any applicants for offices in the appointment of a local marine board to pass an examination, and may make, revoke, and alter rules with respect to the conduct of such examination and the qualifications of the applicants:

(5.) If the Board of Trade have reason to believe that any superintendent, deputy, clerk, or servant appointed by any local marine board does not properly discharge his duties, they may cause the case to be investigated, and may, if they think fit, remove him from his office, and provide for the proper performance of his duties until another person is duly appointed in his place.

Business of mercantile marine office may be carried on at custom houses.

17 & 18 Vict. c. 104. s. 128.

264. At any port at which there is no local marine board, or at which the business conducted at the mercantile marine office is trifling in amount, the Board of Trade may, with the consent of the Commissioners of Customs, direct that the whole or any part of the business of a mercantile marine office shall be conducted at the custom house of such place.

The custom house shall thereupon be deemed a mercantile marine office for all purposes, and any officer of customs appointed in that behalf by the Board of Trade shall be deemed a superintendent or deputy superintendent of a mercantile marine office (as the case may be) within the meaning of this Act.

Board of Trade may make bye-laws for preserving order in mercantile marine offices.

265. The Board of Trade may from time to time make, revoke, and alter byelaws for the purpose of maintaining order in and about a mercantile marine office, or any premises occupied therewith, and may impose a penalty not exceeding *ten* pounds for the breach of any such byelaw, with, in case of a continuing breach, a further penalty not exceeding *one* pound for every twelve hours during which such breach continues. Such byelaws shall be printed and affixed in some conspicuous position in the mercantile marine office to which they apply, and shall come into force as soon as they are so affixed.

Fees at mercantile marine office.

266. Such fees, not exceeding *two* shillings for every man, as the Board of Trade from time to time direct, shall be payable on all

engagements and discharges of seamen transacted before a superintendent of a mercantile marine office, and the superintendent and officers of a mercantile marine office may refuse to proceed with any business until the fees payable in respect thereof are first paid.

An owner or master of a ship who pays such fees on the engagement or discharge of any seaman may deduct one half of such fees from the wages of the seaman so engaged or discharged.

If any superintendent or deputy superintendent, clerk, or servant in any mercantile marine office demands or receives any remuneration whatever, either directly or indirectly, for transacting any business which it is his duty to transact, except lawful fees payable under this Act, he shall for every such offence be deemed guilty of a misdemeanor, and shall also be liable to be dismissed from his office by the Board of Trade.

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Mercantile Marine Offices.

17 & 18 Vict. c. 104. ss. 125, 126, 127, & 141.

267. It shall be the general business of superintendents of mercantile marine offices—

To afford facilities for engaging seamen by keeping registries of their names and characters:

To superintend and facilitate the engagement and discharge of seamen in manner in this Act provided:

To provide means for securing the presence on board at the proper times of the seamen who are so engaged:

To facilitate the making of apprenticeships to the sea service:

To perform such other duties relating to seamen, apprentices, and merchant ships as are by this Act, or any part of the Merchant Shipping Code, 1871, or any Act relating to merchant shipping, committed to them, or as they may be directed from time to time to perform by the Board of Trade; and they may, for the purposes aforesaid, employ such persons as they may be authorized to employ by the Board of Trade.

Any act done before a deputy duly appointed shall have the same effect as if it were done before a superintendent of a mercantile marine office.

Business of mercantile marine office.

17 & 18 Vict. c. 104. ss. 124, 128, & 130.

268. The Board of Trade may from time to time dispense with the giving of notices or production of certificates to a superintendent of a mercantile marine office, and with any certificate or other matter consequent on such notice or production, and also with the transaction in a mercantile marine office, or before a superintendent thereof, of any matters required by this Act to be so transacted, and thereupon such matters shall be as valid as if they were transacted in such an office or before such a superintendent.

Board of Trade may dispense with certain matters to be done at mercantile marine offices.

17 & 18 Vict. c. 104. s. 130.

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Registration of and Returns respecting Seamen.

Registration of and Returns respecting Seamen.

269. There shall be in the port of London an office, to be called the General Register and Record Office of Seamen, and the Board of Trade shall have control over the same, and may appoint and from time to time remove a Registrar General, and such assistants, clerks, and servants as may be necessary, and may from time to time, with the consent of the Treasury, regulate their salaries and allowances; and such salaries and allowances, and all other necessary expenses, shall be paid by the Treasury out of moneys provided by Parliament.

Establishment of register office.
17 & 18 Vict. c. 104. s. 271.

The Board of Trade may direct the business of the register office at any of the outports to be transacted at the mercantile marine office there, as part of the business of such office, and such business shall thereupon be conducted accordingly, but shall in all cases be subject to the immediate control of the Board of Trade.

Returns of masters of ships.
17 & 18 Vict. c. 104. ss. 273, 274.

270. The master of every foreign-going ship shall, upon the discharge of the crew, or, in case of a running agreement, at the expiration of the time for which the agreement was made, deliver to the superintendent or officer before whom such crew is discharged a return in the form prescribed by the Board of Trade, signed by him, and containing such particulars respecting the ship and her employment, the crew, and births and deaths on board, as are specified in the tenth schedule to this Act, and such other particulars as may be prescribed from time to time by the Board of Trade, and if he fail so to do shall for every default incur a penalty not exceeding *five* pounds.

6 & 7 Will. 4. c. 86. ss. 21, 26.
17 & 18 Vict. c. 80. ss. 30, 43.
26 & 27 Vict. c. 11. ss. 39, 40.

A copy of every return of any birth or death on board any ship, made in pursuance of this Act, shall be forwarded by the Registrar General of Seamen to the Registrar General of Births, Deaths, and Marriages in England, Scotland, or Ireland, according as the parent of the child, or the person deceased, was an English, Scottish, or Irish subject of Her Majesty. The Registrar General to whom such return is forwarded shall enter a copy thereof under his hand in a book to be kept by him for that purpose, and to be called a marine register book, and such book shall be deemed a register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.

Lists to be delivered by coasting ships half-yearly.
17 & 18 Vict. c. 104. s. 275.

271. The master or owner of every sea-going ship, not being a foreign-going ship, shall, on the thirty-first of March, the thirtieth of June, the thirtieth of September, and the thirty-first of December in each year, or within the expiration of ten days from

Registration of and Returns respecting Seamen.

such dates respectively, transmit or deliver to some superintendent of a mercantile marine office in the United Kingdom a return respecting his crew for the preceding three months, in such form and containing such particulars as may be prescribed from time to time by the Board of Trade, and shall in default incur a penalty not exceeding *five* pounds.

Certificate of delivery of returns. 17 & 18 Vict. c. 104. ss. 109, 274, & 275.

272. The superintendent or other officer shall give to the master or owner a certificate of the transmission or delivery of the returns required by this Act; and no officer of customs shall in any case where such return is required clear inwards any foreign-going ship, or grant a clearance or transire for any coasting ship, without the production of such certificate, and any such officer may detain any such ship until the same is produced.

Return in case of transfer or loss of ship.

273. Where by reason of the transfer of ownership or change of employment of any ship the returns respecting seamen required by the provisions of this Act cease to be required in respect of such ship, or cease to be of the same description as was previously required under those provisions, the master or owner of such ship shall, within one month after such cessation, if the ship is then in the United Kingdom, and within three months after such cessation if she is elsewhere, deliver or transmit to the superintendent at the port to which the ship belonged the returns required by this Act, duly made up to the time of such cessation. If any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent of the mercantile marine office at the port to which the ship belonged the returns required by this Act, duly made out to the time of such loss or abandonment.

Every master or owner who fails to comply with the provisions of this section shall for each offence incur a penalty not exceeding *ten* pounds.

Superintendents and other officers to transmit documents to registrar. 17 & 18 Vict. c. 104. s. 277.

274. All superintendents of mercantile marine offices and officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where such documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of such purposes, and shall then transmit them to the Registrar General of Seamen, to be by him recorded and preserved according to the prescribed regulations. The Registrar General shall, on payment of the prescribed fee (if any), allow any person to inspect such documents, and make

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Registration of and Returns respecting Seamen.

and deliver to any person requiring it a certified copy of any such document or of any part thereof. Every copy purporting to be so made and certified shall be received in evidence, and shall have all the effect of the original of which it purports to be a copy.

Deposit of documents at foreign ports and in colonies.

17 & 18 Vict. c. 104. s. 279. 25 & 26 Vict. c. 63. s. 13.

275. The following rules shall be observed with respect to the delivery of documents to British consular officers in the case of ships not exempted as provided by this Act; (that is to say,)

(1.) Whenever any ship (except ships whose business for the time being is to carry passengers) arrives at any port out of Her Majesty's dominions where there is a British consular officer, or at any port in any British possession other than the ship's port of registry, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to such consular officer, or to the chief officer of customs, (as the case may be,) the agreement with the crew, and also all indentures and assignments of apprenticeships, or, in the case of a ship registered in a British possession, such of the said documents as such ship is provided with:

(2.) Such officer shall keep the documents during the ship's stay in such port, and, in cases where any indorsements upon the agreement are required by this Act, shall duly make the same, and shall return the said documents to the master a reasonable time before his departure, with a certificate indorsed on the agreement, stating when the same were respectively delivered and returned:

(3.) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, such officer shall make an indorsement to that effect on the agreement, and forthwith transmit a copy of such indorsement, with the fullest information he can collect regarding such neglect or transgression, to the Registrar General of Seamen:

If the master of any ship fail to deliver any such document as aforesaid, he shall for every such default incur a penalty not exceeding twenty pounds; and in any prosecution for such penalty it shall lie upon the master either to produce the certificate required by this section, or to prove that he duly obtained the same, or that it was impracticable for him so to do.

Documents to be handed over

276. If during the progress of a voyage the master is removed, superseded, or for any other reason quits the ship, and is succeeded

Fees.

Forgery and false Declarations.

in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall in default incur a penalty not exceeding one hundred pounds; and such successor shall immediately on assuming the command of the ship enter in the official log a list of the documents so delivered to him.

to successor on change of master.

17 & 18 Vict. c. 104. s. 259.

Fees.

277. All fees authorized to be taken under this Act shall be carried to the Mercantile Marine Fund; and all expenses incurred by the Board of Trade with respect to examinations, local marine boards, mercantile marine offices, and surveyors shall be paid out of the said Mercantile Marine Fund.

Fees to be carried to Mercantile Marine Fund.

Forgery and False Declarations.

278. Every person who forges or fraudulently alters or knowingly makes any false entry in or fraudulently omits to make any entry in any money order or allotment note, or any document purporting to show or assist in showing the right or interest of any person to or in any money deposited in a seaman's savings bank established under this Act, or to or in any wages or effects of any seaman or apprentice to the sea-service, whether alive or dead,

Forgery of documents as to seamen's wages and savings banks.

17 & 18 Vict. c. 104. s. 203.

And every person who knowingly utters or uses any such document which has been forged or fraudulently altered, or in which any false entry has been made, or from which any entry has been fraudulently omitted,

shall be guilty of felony, and be liable, at the discretion of the court before which he is convicted, to penal servitude for a term not exceeding seven years, or to imprisonment for any term not exceeding *two* years, with or without hard labour, or if prosecuted and convicted before a court of summary jurisdiction to imprisonment for a period not exceeding *six* months, with or without hard labour.

279. Every person who forges or fraudulently alters or knowingly makes any false entry in or fraudulently omits to make any entry in any of the following documents:

Forgery of documents and marks.

17 & 18 Vict. c. 104. ss. 10. 140. 164. 176. 220. 284.

(1.) Any certificate of competency under this Act, or any official copy of such certificate;

(2.) Any seaman's agreement made under this Act;

(3.) Any certificate or report of the service, qualifications, conduct or character of any seaman;

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Forgery and false Declarations.

(4.) Any certificate granted on the discharge or leaving abroad of any seaman or apprentice under this Act;

(5.) Any document used in making or supporting any application to the Registrar of the High Court of Admiralty with reference to the wages of seamen volunteering into the Royal Navy;

(6.) Any official log book; or

(7.) Any form issued by the Board of Trade under this Act, or any seal or other distinguishing mark affixed to such form;

And every person who knowingly utters or uses any such document or mark which has been forged or fraudulently altered, or any such document in which any false entry has been made, or from which any entry has been fraudulently omitted,

shall be guilty of a misdemeanor.

False declaration.

17 & 18 Vict. c. 104. ss. 203, 220.

280. Where any person—

(1.) For the purpose of obtaining for himself or any other person a certificate of competency under this Act, or employment as a certificated officer;

(2.) For the purpose of obtaining for himself or any other person any money deposited in a seamen's savings bank established under this Act, or any wages or effects of any seaman or apprentice to the sea service either alive or dead;

(3.) For the purpose of obtaining any certificate or report of the service, qualification, conduct or character of any seaman, or a copy thereof;

(4.) For the purpose of obtaining a certificate on the discharge or leaving abroad of any seaman or apprentice under this Act;

(5.) For the purpose of obtaining entry into or discharge from the Royal Naval Volunteers, or of obtaining any payment, allowance, pension, privilege, or advantage to which volunteers or persons who have served as volunteers are entitled, under the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter forty, intituled "An Act for the establishment of a Reserve Volunteer Force of Seamen, and for the government of the same;" or

(6.) On the occasion of making or supporting any application to the Registrar of the High Court of Admiralty in any matter connected with the volunteering of seamen into the Royal Navy,

commits any of the following offences; that is to say,

(1.) Makes any declaration, representation, or statement, or gives any evidence which is false in any particular; or

(2.) Knowingly utters, produces, or makes use of any such declaration, representation, statement, or evidence, or any document containing the same;

he shall be guilty of a misdemeanor.

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Forms and Instruments.

Power of Officers to inspect Ship's Documents, &c.

Forms and Instruments.

281. The Board of Trade may from time to time sanction, prepare, and issue forms of books, instruments, and papers requisite under this Act, giving public notice thereof, and shall cause every such form to be sealed with the seal of the Board, or to be marked with some other distinguishing mark, and to be supplied at the custom houses and mercantile marine offices of the United Kingdom free of charge, or at a moderate charge from time to time fixed by the Board of Trade, or they may license persons to print and sell or to sell the same; and every book, instrument, and paper required by this Act to be in a form sanctioned by the Board of Trade shall be made in such form; and no book, instrument, or paper for which a form has been so sanctioned shall, unless made in that form, be admissible in evidence on behalf of an owner or master of a ship in any civil proceeding; and every book, instrument, or paper made in a form purporting to be sealed with the seal of the Board of Trade, or to be otherwise marked as aforesaid, shall be deemed to be made in the form required by this Act, unless the contrary is shown.

Board of Trade to issue forms of instruments.

17 & 18 Vict. c. 104. ss. 8. & 10.

Every person who in any case in which a form sanctioned by the Board of Trade is by this Act required to be used uses without reasonable cause any form not so sanctioned, or who knowingly prints, sells, or uses any document purporting to be a form sanctioned, prepared, or issued by the Board of Trade, which has not been so sanctioned, prepared, or issued, shall for each such offence incur a penalty not exceeding ten pounds.

282. All British consular officers, officers of customs, local marine boards, and superintendents of mercantile marine offices, shall make and send to the Board of Trade such returns or reports on matters relating to British merchant shipping or seamen as the Board from time to time require; and superintendents of mercantile marine offices shall, whenever required by the Board of Trade, produce to them or their officers all books and documents in their custody as such superintendents.

Returns and production of books, &c. to Board of Trade.

17 & 18 Vict. c. 104. s. 12.

Power of Officers to inspect Ship's Documents, &c.

283. Every officer of the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every consular officer, the Registrar General of Seamen and his assistant, every

Power for officers of Board of Trade, naval

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Miscellaneous.

officers, consuls, &c. to inspect documents, muster crews, &c. 17 & 18 Vict. c. 104. s. 13.

chief officer of customs in any place in the British dominions, and every superintendent of a mercantile marine office, where he suspects that this Act or any law for the time being in force relating to merchant shipping or seamen, or to navigation, is not complied with, may exercise the following powers or any of them:

He may go on board any ship:

He may require the master to produce the certificate of registry or other national papers of the ship, and may inspect and take copies thereof or of any parts thereof:

He may require the owner or master or any member of the crew of any British ship to produce any official log books, agreements, or documents relating to such crew, or to any member thereof, and may inspect such official log books or documents, and may take copies thereof or of any part thereof:

He may require any such master to produce a list of all persons on board his ship:

He may muster the crew of any such ship:

He may summon the master of any such ship to appear and give any explanation concerning the ship or her crew, or concerning her certificate of registry or national papers, or concerning such official log books, agreements, or documents:

And if on any such requisition any owner or master, or any member of a crew, without reasonable cause (proof whereof shall lie on him), does not produce any such certificate of registry, national papers, official log book, agreement, or document, or allow the same to be inspected or copied, or does not produce a list of persons on board the ship, or prevents or impedes any such muster, or does not appear, or does not give any such explanation, or misleads or deceives any person authorized by this Act to require any such explanation, he shall for every such offence incur a penalty not exceeding twenty pounds.

Miscellaneous.

Corporations, &c. may grant sites for sailors homes. 17 & 18 Vict. c. 104. s. 546.

284. The municipal corporation of any borough, being a port in the United Kingdom, and any body corporate, association, or trustees in any such port, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of one of Her Majesty's Principal Secretaries of State, appropriate any lands vested in them or in trustees for them as a site or sites for a sailors home or sailors homes, and may for that purpose either retain and apply

the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit.

Application of Act.

Exemption from stamp duty. 17 & 18 Vict. c. 104. s. 9.

285. Instruments used by or under the direction of the Board of Trade in executing this Act, and instruments required by this Act to be made in forms approved by the Board of Trade, if made in such forms, shall be exempt from stamp duty.

Application of Act.

Exemption of certain ships. 17 & 18 Vict. c. 104. s. 109.

286. The following ships, that is to say—

(1.) Ships exclusively employed in fishing on the coasts of the United Kingdom;

(2.) Ships belonging to any of the three general lighthouse authorities; and

(3.) Pleasure yachts,

shall be exempt from the provisions of this Act contained in the sections relating to Certificates of Competency, Agreements with Seamen, Discharge of Seamen, Payment of Seamen, and Official Logs, and from the provisions of this Act with respect to the delivery of documents to consular officers.

Engagement of seamen by exempted vessels.

287. The master or owner of any ship exempted from the provisions of this Act contained in the sections relating to Agreements with Seamen may, under the provisions of this section, engage, discharge, and pay the wages of crews or single seamen in the presence of a superintendent of a mercantile marine office, and in accordance with the provisions of this Act, in the same manner as if such ship were a foreign-going ship.

Exemption of Her Majesty's ships. 17 & 18 Vict. c. 104. s. 4.

Saving of jurisdiction of a British possession.

288. This Act shall not, except as is therein expressly provided, apply to ships belonging to Her Majesty, but shall apply to all other British ships; provided that, notwithstanding anything in this section or in the Merchant Shipping Code (General Provisions Act,) 1871, contained, ships registered in any British possession, and their owners, masters, and crews, when such ships are within the jurisdiction of the government of such possession, shall not, unless the context otherwise requires, be subject to the regulations contained in this Act.

Application of Act to British possession by legislature. 17 & 18 Vict. c. 104. ss. 288, 289.

289. If the legislature of any British possession, by any Act or Ordinance, apply or adapt to any ships registered at any place within their jurisdiction, and to the owners, masters, mates, and crews of such ships, any of the provisions of this Act which do not otherwise so apply, such provisions, when and so long as they are so applied and adapted, shall, in respect of

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Application of Act to Foreign Ships.

the ships and persons to which the same are applied, be enforced, and penalties and punishments for the breach thereof shall be recovered and inflicted, throughout Her Majesty's dominions, in the same manner as if such provisions had been by this Act so applied and adapted, and such penalties and punishments had been by this Act expressly imposed: Provided that every such Act or Ordinance shall be of no effect under this section unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Application of Act to Foreign Ships.

Her Majesty may, by Order in Council, apply this part to foreign ships.

290. Where any arrangement has been made between Her Majesty and any foreign state, authorizing the application to the ships of such state of the whole or any portion of this Act not otherwise applying to foreign ships, it shall be lawful for Her Majesty, by Order in Council, to declare that such of the provisions contained in this Act as are in such order specified shall, subject to the limitations, if any, contained in the order, apply, and thereupon, so long as the order remain in force, they shall apply, subject to the said limitations, to the ships of such state, and to the owners, masters, officers, and crews of such ships, when not within the jurisdiction of such state, in the same manner in all respects as if such ships were British ships.

SCHEDULES TO MASTERS AND SEAMEN ACT.

FIRST SCHEDULE.

TABLE OF MAXIMUM FEES TO BE PAID BY APPLICANTS FOR EXAMINATION.

For Certificates as Masters and Mates of foreign-going Ships.

	£	s.	d.
Master	2	0	0
First mate, if previously possessing an inferior certificate	0	10	0
First mate, if not previously possessing an inferior certificate	1	0	0
Second Mate	1	0	0
Examination in steam	2	0	0

For Certificates as Masters and Mates of Coasting Passenger Ships.

	£	s.	d.
Master	1	0	0
Mate	0	10	0
Examination in steam	2	0	0

For Certificates as Engineers.

	£	s.	d.
First-class engineer, if previously possessing an inferior certificate	1	0	0
First-class engineer, if not previously possessing an inferior certificate	2	0	0
Second-class engineer	1	0	0

SECOND SCHEDULE.

Regulations as to Seamen's Agreements.

(1.) Every such agreement shall be in a form sanctioned and shall be executed in manner approved by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same;

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(2.) Every such agreement shall contain the following particulars as terms thereof:

1. The nature, and, as far as practicable, the duration of the intended voyage or engagement:
2. The number and description of the crew, specifying how many are engaged as sailors:
3. The time at which each seaman is to be on board to begin work:
4. The capacity in which each seaman is to serve:
5. The amount of wages which each seaman is to receive:
6. A scale of the provisions which are to be furnished to each seaman:
7. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

(3.) Every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case, as to allotment of wages, and may contain any other stipulations that are not contrary to law.

(4.) The wages shall be stated in British money, or else the rate of exchange between the money in which the wages are stated and British money shall be specified in the agreement.

(5.) If the master of any ship registered in any British possession has an agreement with his crew made in due form according to the law of the possession to which such ship belongs, or in which her crew were engaged, and engages single seamen in the United Kingdom, such seamen may sign the agreement so made, and it shall not be necessary for them to sign an agreement in the form sanctioned by the Board of Trade.

(6.) The superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(7.) Where the agreement is signed at any place other than a mercantile marine office, the extra expense (if any) caused by the attendance of the superintendent or of his deputy at such place shall be borne by the ship.

(8.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master.

(9.) In the case of substitutes engaged in the place of seamen who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a superintendent of a mercantile marine office, and when not practicable the master shall before the ship puts to sea, if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the seamen in the presence of a witness, and the seamen shall thereupon sign the same in the presence of such witness, who shall attest their signatures.

(10.) Where two or more ships belong to the same owner, the agreement with the seamen may, notwithstanding anything in this Act, be made by the

owner instead of by the master; and the seamen with whom the agreement is made may be engaged to serve in any two or more of such ships, if the names of the ships and the nature of the service be specified in the agreement; but in all other respects such agreement shall be subject to the provisions contained in this Act relating to ordinary agreements for service. A.D. 1871.

(11.) Crews or single seamen may, if the master think fit, be engaged for coasting passenger ships, and for ships exempted from the provisions of this Act respecting agreements with seamen, in the same manner as they may be engaged for foreign-going ships.

Regulations respecting Running Agreements.

1. Running agreements with the crew of any ship may be made to extend over two or more voyages, so that no such agreement extend beyond a period of twelve months from the date thereof, or beyond the first arrival of the ship at her port of destination after that date, or the discharge of cargo consequent on such arrival.

2. Every person entering into such agreement, whether engaged on the first commencement thereof or otherwise, shall enter into and sign the same in manner by this Act required for foreign-going ships.

3. Every person engaged under such agreement, if discharged in the United Kingdom, shall be discharged in the manner by this Act required for the discharge of seamen belonging to foreign-going ships.

4. The duplicate agreement retained by the superintendent on the first engagement of the crew shall be transmitted to the Registrar General of Seamen immediately.

THIRD SCHEDULE.

Regulations as to Lascars.

1. An agreement with a lascar may bind him to proceed to any port in the United Kingdom or in any British possession, either as a seaman or as a passenger, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to any port in Her Majesty's dominions.

2. The original agreement in any such case shall be made in such form, and shall contain such provisions, and shall be executed in such manner, and contain such conditions for securing the return of the lascar to his own country, and for other purposes, as the Governor General of India in Council or the Governor in Council of the Presidency in which the original agreement is made may direct.

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3. Where any lascar bound by such agreement is on arriving at any of the said ports required to enter into such further agreement as aforesaid, then, if such certificate as herein-after mentioned is obtained, such lascar shall be deemed to be engaged under such further agreement, and to be for all purposes one of the crew of the ship.

4. Such certificate shall be given by some officer appointed for the purpose in the United Kingdom by one of Her Majesty's Principal Secretaries of State, and in a British possession by the governor of such possession.

5. Such certificate shall state,—

(*a.*) That such further agreement is a proper agreement in all respects for the lascar to make, and is in accordance with the original agreement;

(*b.*) That the ship to which the further agreement relates is in all respects a proper ship for the lascar to serve in; and

(*c.*) That there is not any objection to the full performance of the original agreement.

6. The person applying for any such certificate shall pay to the officer giving the same such fee as the appointer of such officer may direct, not exceeding ten shillings.

7. Subject to the foregoing regulations, the provisions of this Act relating to the engagement of and agreements with seamen shall apply to engagement of and agreement with a lascar.

8. In these regulations the term "lascar" includes every native of Her Majesty's dominions in India.

FOURTH SCHEDULE.

Regulations to be observed on the discharge of seamen before a superintendent of a Mercantile Marine Office.

(1.) Every master shall give to every seaman discharged from his ship a certificate of his discharge in a form prescribed by the Board of Trade, specifying the period of his service and the time and place of his discharge:

(2.) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return such certificate:

(3.) The master shall make and sign, in a form prescribed by the Board of Trade, a report of the conduct, character, and qualifications of the persons discharged, or may state, in the said form, that he declines to give any opinion upon such particulars, or upon any of them, or that such persons, or any of them, decline to receive his report upon such particulars or any of them:

(4.) The superintendent before whom the discharge is made shall, unless the seaman objects, indorse on his certificate of discharge a copy of so much of such report as concerns him:

(5.) The certificate of discharge shall be given upon the discharge or on payment of the wages: A.D. 1871.

(6.) Upon or previously to the discharge of the crew of any foreign-going British ship in the United Kingdom, the master of such ship shall deliver the agreement with his crew and the list of such crew and official log to the superintendent before whom such discharge takes place, and such superintendent shall give to the master a certificate of such delivery, and no officer of customs shall clear any foreign-going British ship inwards until a certificate of such delivery is produced:

(7.) When a seaman is discharged at any place other than a mercantile marine office, the extra expense (if any) caused by the attendance of the superintendent or his deputy at such place shall be borne by the ship.

FIFTH SCHEDULE.

Regulations as to Wages and Effects of deceased Seamen.

Wages and effects of deceased seamen

1. The master shall enter in the official log book the following particulars:

(*a.*) A statement of the amount of money, and a description of the clothes and effects left by the deceased on board:

(*b.*) In case of a sale, a description of each article sold, and the sum received for each:

(*c.*) All deductions (if any) to be made from the wages of the deceased.

Such entry shall be signed by the master and by the mate and some other member of the crew.

2. No deduction claimed by the master shall be allowed unless verified by an entry in the official log book, made and attested as required by this Act, and also by such other vouchers (if any) as may be required by the Board of Trade, or by the superintendent or officer to whom the account is rendered.

3. The master shall render an account, in such form as the Board of Trade from time to time sanction or require, of the effects, money, and wages to be delivered and paid by such master.

4. Where the ship touches and remains for forty-eight hours at some foreign port, or at some port in a British possession, before coming to any port in the United Kingdom, the master shall report the case to the British consular officer at such foreign port, or to the officer of customs in such British possession, and shall give to such officer any information the officer requires as to the destination of the ship and probable length of the voyage.

5. Such officer may, if he thinks expedient, require the property to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt thereof, and endorse under his hand upon the agreement with the crew such particulars with respect to such delivery and payment as the Board of Trade require.

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Wages and effects of deceased seamen.

6. Such receipt shall be delivered by the master to a superintendent of a mercantile marine office within forty-eight hours after his arrival at his port of destination in the United Kingdom.

7. Where the ship proceeds at once to any port in the United Kingdom without touching and remaining at some other port as aforesaid, or where the consular officer or officer of customs does not require the delivery of the property, the master shall, within forty-eight hours after his arrival in the United Kingdom, deliver and pay the property to a superintendent of a mercantile marine office, at the port at which he so arrives.

8. The master shall render such account, and in such form, of the property, and shall accompany the same with such vouchers, as the Board of Trade from time to time require.

9. Chief officers of customs in British possessions and British consular officers may sell any effects of a deceased seaman or apprentice or any part thereof, if they think fit.

10. Every such officer shall from time to time, as the Board of Trade direct, remit to Her Majesty's Paymaster General so much of any property of a deceased seaman or apprentice as consists of money, and shall send to the Board of Trade such part thereof as does not consist of money, and shall render such account in respect of such property, whether money or not, as the Board of Trade require. All property so remitted and sent shall be deemed to be received by the Board of Trade.

11. The regulations respecting entries in official log books shall not extend to the case of any ship in which an official log book is not required by this Act to be kept.

SIXTH SCHEDULE.

Regulations with regard to the Wages of Seamen received into Her Majesty's Service.

Wages of seamen volunteering into navy.

1. Where the seaman's wages are paid in money, the money shall be credited in the muster book of the ship to the account of the seaman; and where such wages are paid by bill, the bill shall be noted in the ship's muster book, and shall be sent to the said Accountant General, who shall present the same or cause the same to be presented for payment, and shall credit the produce thereof to the account of the said seaman.

2. No officer who receives any such bill shall be subject to any liability in respect thereof, except for the safe custody thereof until sent to the Accountant General as aforesaid.

3. If any such bill be not duly paid when presented, the said Accountant General, or the seaman on whose behalf the same is given, may sue thereon, or may recover the wages due by all or any of the means by which wages due to merchant seamen are recoverable.

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Wages of seamen in Her Majesty's service.

4. The wages of a seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he quits for the purpose of entering Her Majesty's service.

Repayment to owner of advance paid and not duly earned. 17 & 18 Vict. c. 104. s. 216.

5. Where a seaman leaves his ship for the purpose of entering the naval service of Her Majesty, and the owner or master of such ship has paid or rendered himself liable to pay an advance of wages to or on account of such seaman, if the owner or master show to the satisfaction of the Admiralty that he has paid such advance or satisfied such liability, and that such seaman has not at the time of quitting his ship duly earned such advance by service therein, it shall be lawful for the Admiralty to pay to such owner or master so much of such advance as has not been duly earned, and to deduct the sum so paid from the wages of the seaman earned or to be earned in the naval service of Her Majesty.

If new seaman engaged instead of the original seaman, the owner may apply for repayment of any extra expenses he has been put to. 17 & 18 Vict. c. 104. s. 217.

6. Where, in consequence of any seaman so leaving his ship without the consent of the master or owner thereof, it becomes necessary for the safety and proper navigation of the said ship to engage a substitute or substitutes, if the wages or other remuneration paid to such substitute or substitutes for subsequent service exceed the wages or remuneration which would have been payable to the said seaman under his agreement for similar service, the master or owner of the said ship may apply to the Registrar of the High Court of Admiralty in England for a certificate authorizing the repayment of such excess; and such application shall be in such form, and shall be accompanied by such documents and by such statements, whether on oath or otherwise, as the judge of the said court from time to time directs.

Application how to be decided on, and amount of repayment how to be ascertained. 17 & 18 Vict. c. 104. s. 218.

7. The said Registrar shall, upon receiving any such application as aforesaid, give written notice thereof and of the sum claimed to the Secretary to the Admiralty, and shall proceed to examine the said application, and may call upon the Registrar of Seamen to produce any papers in his possession relating thereto, and may call for further evidence.

If the whole of the claim appears to the Registrar of the High Court of Admiralty to be just, he shall give a certificate accordingly, but if he considers that such claim or any part thereof is not just, he shall give notice of such his opinion in writing under his hand to the person making the said application, or his attorney or agent.

If within sixteen days from the giving of such notice such person does not leave or cause to be left at the office of the Registrar of the High Court of Admiralty a written notice demanding that the said application be referred to the judge of the said court, then the said Registrar shall finally decide thereon, and certify accordingly.

If such notice is left as aforesaid, then the application shall stand referred to the judge in his chambers, and his decision thereon shall be final, and the said Registrar shall certify the same accordingly.

The registrar and judge of the High Court of Admiralty respectively shall in every proceeding under this Act have full power to administer oaths, and to exercise all the ordinary powers of the court, as in any other proceeding within its jurisdiction; and the said registrar or judge (as the case may be)

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Wages of seamen in Her Majesty's service.

may, if he thinks fit, allow for the costs of any proceeding under this Act any sum not exceeding five pounds for each seaman so quitting his ship as aforesaid; and such sum shall be added to the sum allowed, and shall be certified by the said registrar accordingly.

Accountant General to pay sums when ascertained. 17 & 18 Vict. c. 104. s. 219.

8. Every certificate so given shall be sent by post or otherwise to the person making the application or to his attorney or agent, and a copy thereof shall be sent to the Accountant General of the Navy; and the said Accountant General shall, upon delivery to him of the said original certificate, together with a receipt in writing purporting to be a receipt from the master or owner making the application, pay to the person delivering the same, out of the moneys applicable to the naval service of Her Majesty, and granted by Parliament for the purpose, the amount mentioned in such certificate; and such certificate and receipt shall absolutely discharge the said Accountant General and Her Majesty from all liability in respect of the moneys so paid or of the said application.

SEVENTH SCHEDULE.

Rules to be observed with respect to Medicines, Medical Stores, and Anti-scorbutics.

Medicines and anti-scorbutics.

(1.) The Board of Trade shall from time to time sanction, issue, and cause to be published scales of medicines and medical stores suitable for different ships and voyages, and shall also sanction, issue, and cause to be published a book or books of instructions for dispensing the same.

(2.) The owners of every foreign-going ship shall provide and cause to be kept on board such ship a supply of medicines and medical stores of good quality and fit for use, in accordance with the scale appropriate to the said ship, and also a copy or copies of such book or books of instructions.

(3.) No lime or lemon juice shall be deemed fit and proper to be taken on board any such ship, for the use of the crew or passengers thereof, unless the same has been obtained from a bonded warehouse for and to be shipped as stores; and no lime or lemon juice shall be so obtained or delivered from any warehouse as aforesaid, unless the same is shown, by a certificate under the hand of a surveyor appointed by the Board of Trade, to be good, palatable, and otherwise proper for use on board ship, such certificate to be given upon inspection of a sample, after deposit of the said lime or lemon juice in the warehouse; nor unless the same contains fifteen per centum of proper and palatable proof spirits, to be approved by such inspector or by the proper officer of customs, and to be added before or immediately after the inspection thereof; nor unless the same is packed in such bottles, at such time and in such manner, and is labelled or sealed in such manner as the Commissioners of Customs may

Medicines and anti-scorbutics.

direct; provided that when any such lime or lemon juice is deposited in any bonded warehouse, and has been approved as aforesaid by the said inspector, the said spirits, or so much of the said spirits as is necessary to make up fifteen per centum, may be added in such warehouse, without payment of any duty thereon; and when any spirit has been added to any lime or lemon juice, and the same has been labelled or sealed as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse.

(4.) The master or owner of every foreign-going ship shall provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice from the warehouse duly labelled or sealed as aforesaid, such labels or seals to remain intact until twenty-four hours at least after such ship has left her port of departure on her foreign voyage, or a sufficient quantity of such other anti-scorbutics, if any, of such quality and composed of such materials, and packed and kept in such manner, as Her Majesty by Order in Council may from time to time direct.

(5.) The master of every foreign-going ship shall serve or cause to be served out the lime or lemon juice, with sugar (such sugar to be in addition to any sugar required by the articles) or other such anti-scorbutics as aforesaid, to the crew, so soon as they have been at sea for ten days; and during the remainder of the voyage, except during such time as they are in harbour and are there supplied with fresh provisions, the lime or lemon juice and sugar shall be served out daily at the rate of an ounce each per day to each member of the crew, and shall be mixed with a due proportion of water before being served out. The other anti-scorbutics, if any, shall be served out at such times and in such quantities as Her Majesty by Order in Council may from time to time direct.

(6.) If at any time when such lime or lemon juice or anti-scorbutics is or are so served out as aforesaid any seaman or apprentice refuses or neglects to take the same, such neglect or refusal shall be entered in the official log book in the manner provided by this Act, and shall be signed by the master and by the mate or some other of the crew, and also by the surgeon or medical practitioner on board, if any.

EIGHTH SCHEDULE.

Rules to be observed with respect to Accommodation on board Ships.

Accommodation.

(1.) Every place in any ship occupied by seamen or apprentices, and appropriated to their use, shall be such as to make the space which it is required to contain available for the proper accommodation of the

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Accommodation.

men who are to occupy it, and shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvium which may be caused by cargo or bilge water.

(2.) No such place as aforesaid shall be deemed to be such as to authorize a deduction from gross register tonnage, under the provisions in the Merchant Shipping Code (Registry Act,) 1871, contained, unless there be in the ship one or more properly constructed privy or privies for the use of the crew; such privy or privies to be of such number and of such construction as may be approved by the surveyor herein-after mentioned.

(3.) Every such place shall, whenever the ship is registered or re-registered in the United Kingdom, and also whenever the owner of the ship requires it, and tenders the fees and expenses payable in that behalf, be inspected by one of the surveyors appointed by the Board of Trade under this Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the collector of customs a certificate to that effect, and if such certificate is obtained, but not otherwise, such space shall be deducted from the gross register tonnage.

(4.) Whenever the owner of a ship requires any such place as aforesaid to be measured he shall pay such fees, not exceeding one pound for each time such place is measured, and also such travelling expenses of and allowances to the surveyor, as the Board of Trade may, by any regulation made in that behalf, from time to time require.

(5.) No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen."

(6.) Upon any complaint concerning any such place as aforesaid, any surveyor appointed by the Board of Trade may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report the same to the collector of customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it be certified by such surveyor, or by some other surveyor appointed by the Board of Trade, that the provisions of the Act in respect of such place are fully complied with.

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NINTH SCHEDULE.

Constitution of Local Marine Boards.

Elections.

Elections.

Constitution of local marine board.

17 & 18 Vict. c. 104., ss. 110, 118, 119.
25 & 26 Vict. c. 63. s. 14.

Each local marine board shall be constituted as follows:

1. The board shall consist of the following members; viz.,—

(*a.*) The mayor or provost and the stipendiary magistrate, or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade appoint:

(*b.*) Four members appointed by the Board of Trade from among persons residing or having places of business at the port or within seven miles thereof:

(*c.*) Six members elected by the owners of such foreign-going ships and coasting passenger ships as are registered at the port.

2. No act or proceedings of any local marine board shall be vitiated or prejudiced by reason of any irregularity in the election of any of its members, or of any error in the list of voters entitled to vote at such election, or of any irregularity in making or revising any such list or by reason of any person not duly qualified acting on the board, in cases where the majority of members parties to such act or proceedings were duly entitled to act.

3. A local marine board shall be elected and appointed, and the electors of the elected members of the board shall be registered and vote in the manner and according to the regulations contained in this schedule.

4. A local marine board shall keep minutes of its proceedings in the prescribed manner (if any), and any such minute, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place or at the next ensuing meeting of the board, shall be receivable in evidence in all legal proceedings without further proof, and, until the contrary is proved, every meeting of the board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

5. A local marine board may from time to time regulate the mode in which their meetings are to be held and their business to be conducted, so that the quorum fixed by them be not less than three.

6. The elections shall be held on the twenty-fifth day of January one thousand eight hundred and seventy-two, and on the twenty-fifth day of January in every third succeeding year, and the appointments shall be made within one month after the elections.

7. After the conclusion of such month, and the constitution of a new board, the functions of the then existing board shall cease, and the board, consisting of the members then newly elected and appointed, shall take its place.

8. Any occasional vacancy happening in the intervals between the general elections and appointments, by death, resignation, or otherwise, shall be filled up within one month after it happens; and every person elected or appointed

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Elections.

on an occasional vacancy shall continue a member until the next constitution of the new board.

9. The mayor or provost shall fix the place and mode of conducting elections, and also, on occasional vacancies, the day of election, and shall give at least ten days notice thereof.

10. The Board of Trade may decide any question raised concerning any election.

Registry and Votes of Electors.

11. Owners of foreign-going ships and of coasting passenger ships registered at the port shall have votes at the election as follows; namely,

Every registered owner of not less than 250 tons in the whole of such shipping shall at every election have one vote for each member for every 250 tons owned by him, so that his votes for any one member do not exceed ten.

12. The qualification of electors shall be ascertained as follows:

(1.) In the case of a ship registered in the name of one person that person shall be deemed the owner:

(2.) In the case of a ship registered in distinct and several shares in the names of more persons than one the tonnage shall be apportioned among them as nearly as may be in proportion to their respective shares, and each of them shall be deemed the owner of the tonnage so apportioned to him:

(3.) In the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one the tonnage shall, if sufficient either alone or together with other tonnage, if any, owned by such joint owners, to give a qualification to each of them, be apportioned equally between or among the joint owners, and each of them shall be deemed the owner of the equal share so apportioned to him; but if it is not so sufficient the whole of such tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as is first named on the register:

(4.) In any such apportionment any portion may be struck off so as to produce a divisible amount:

(5.) The whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be added together, and, if sufficient, shall constitute his qualification.

13. The collector or principal officer of customs in the port shall, with the assistance of the Registrar of Seamen, on or before the twenty-fifth day of December in the year one thousand eight hundred and seventy-one, and in every third succeeding year, make out an alphabetical list of the persons entitled by this Act to vote at the election, containing the Christian name, surname, and residence of each such person, and the number of votes to which he is entitled, and shall sign the list, and shall cause a sufficient number of copies thereof to be printed, and shall cause copies thereof to be fixed on or near the doors of the custom house of the port for two entire weeks next after the list has been

made, and shall keep copies of such list, and permit the same to be perused by any person, without payment, at all reasonable hours during such two weeks.

14. The mayor or provost of the port, or such of them, if more than one, as is or are for the time being so appointed as aforesaid, shall, at least twenty days before the twenty-fifth day of January one thousand eight hundred and seventy-two, and in each succeeding third year, nominate two justices of the peace (in this schedule referred to as the revisors) to revise the list.

15. The revisors shall, between the eighth and fifteenth days of January, both inclusive, in the year in which they are so nominated, revise the list at the custom house of the port, or in some convenient place near thereto, to be hired, if necessary, by the said collector or other principal officer.

16. The revisors shall give three clear days notice of such revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of the custom house.

17. The revisors shall make such revision by inserting in the list the name of every person who claims to have his name inserted therein, and gives proof, satisfactory to the revisors, of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of whose name an objection is made by any other person named in the list who gives proof satisfactory to the revisors that the name objected to ought not to have been inserted therein.

18. The decision of the revisors with respect to every such claim or objection shall be conclusive.

19. The revisors shall, immediately after such revision, sign their names at the foot of the list so revised.

20. The list so revised shall be the register of voters at elections for three years from the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year.

21. The revised list, when so signed, shall be delivered to the mayor or provost as aforesaid, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy thereof to be delivered to every voter applying for the same.

22. The collector or other principal officer, if required, shall, for the assistance of the revisors in revising the list, produce to them the books containing the register of ships registered at the port; and the Registrar of Seamen, if required, shall also produce or transmit to them such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

23. The revisors shall certify the expenses properly incurred by the collector or other principal officer in making and printing the list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by the mayor or provost in printing the same, or in any election; and the Board of Trade may disallow any items of any such expenses in their opinion improperly incurred.

24. Every person whose name appears on the revised list, and no other person, shall be qualified to vote at the election on the twenty-fifth day of January next after the revision, and at any occasional election held at any time between that day and the next ordinary triennial election.

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Elections.

25. Every male person who is, according to the revised list, entitled to a vote, shall be qualified to be elected a member, and no other person shall be so qualified; and if any person elected ceases after election to be an owner of such quantity of tonnage as would entitle him to a vote he shall no longer continue to act or be considered a member, and thereupon another member shall be elected in his place.

TENTH SCHEDULE.

Particulars to be inserted in return as to foreign-going Ships.

(1.) The number and date of the ship's register, and her registered tonnage:

(2.) The length and general nature of the voyage or employment:

(3.) The Christian names, surnames, ages, and places of birth of all the crew including the master and apprentices; their ratings on board, their last ships or other employments, and the dates and places of their joining the ship:

(4.) The names of any members of the crew who have died or otherwise ceased to belong to the ship, with the times, places, causes, and circumstances thereof:

(5.) The names of any members of the crew who have been maimed or hurt, with the times, places, causes, and circumstances thereof:

(6.) The wages due to any of the crew who have died at the times of their respective deaths:

(7.) The clothes and other effects belonging to any of the crew who have died, with a statement of the manner in which they have been dealt with, and the money for which any of them have been sold:

(8.) The name, age, and sex of every person, not being one of the crew, who dies on board, with the date and the cause thereof:

(9.) Every birth which happens on board, with the date thereof, the sex of the infant, and the names of the parents:

(10.) Such other particulars as the Board of Trade may require.

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PART III.

PASSENGERS ACT.

Preliminary.

Short title.

291. This Act may be cited as the Merchant Shipping Code (Passengers Act), 1871.

Incorporation of certain sections of General Provisions Act.

292. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), relating to Legal Procedure, Orders in Council, Byelaws, Surveyors, and Construction.

Definitions.

293. In this Act, unless the context otherwise requires,

"British islands." 18 & 19 Vict. c. 119. s. 3.

The term "British islands" means the United Kingdom, the Channel islands, and the Isle of Man:

"Colony."

The term "colony" means any part of Her Majesty's dominions other than the British islands or India:

"North America."

The term "North America" includes the Bermudas and all ports and places on the eastern coast of the continent of North America, or in the islands adjacent thereto, or in the Gulf of Mexico north of the Tropic of Cancer:

"West Indies."

The term "West Indies" means the West India islands, the Bahamas, British Guiana, and Honduras:

"Passenger steamer." 17 & 18 Vict. c. 104. s. 303.

The term "passenger steamer" means any British steam ship carrying passengers to or from any place in the United Kingdom, except steam ferry boats working in chains, commonly called steam bridges:

"Emigrant ship." 26 & 27 Vict. c. 51. s. 3.

The term "emigrant ship" means a sea-going ship, whether British or foreign, carrying upon any voyage from any place in the British islands to any place out of Europe and not being within the Mediterranean Sea, more than fifty ordinary passengers, or a greater number of ordinary passengers than in the following proportions, that is to say,

(*a.*) in the case of a sailing ship, one statute adult to every thirty-three tons of the ship's net registered tonnage:

(*b.*) in the case of a steam ship, one statute adult to every twenty tons of the ship's net registered tonnage:

"Short ship."

The term "short ship" means any sea-going ship, whether British or foreign, carrying upon any such voyage as last aforesaid a smaller number of passengers than would be requisite to constitute her an emigrant ship:

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"Statute adult." 18 & 19 Vict. c. 119. s. 3.

The term "statute adult" means a person of the age of twelve years or upwards, or two persons between the ages of one and twelve years:

"Passenger."

The term "passenger" means any person carried for hire in any ship:

"Ordinary passenger."

The term "emigrant passenger" includes all passengers in emigrant ships or short ships, except cabin passengers:

"Cabin passenger." 18 & 19 Vict. c. 119. s. 3.

The term "cabin passenger" means a first-class passenger in whose case all the following conditions are complied with; that is to say,

(1.) The space allotted to his exclusive use is in the proportion of at least thirty-six clear superficial feet to each statute adult:

(2.) He is messed throughout the voyage at the same table with the master or first officer of the ship:

(3.) He has been furnished with a duly signed contract ticket in the form prescribed by the Emigration Commissioners:

"Passage broker." 18 & 19 Vict. c. 119. s. 66.

The term "passage broker" means any person who sells or lets or agrees to sell or let, or is anywise concerned in the sale or letting of passages in any emigrant ship or short ship:

"Emigrant runner." 18 & 19 Vict. c. 119. s. 3.

The term "emigrant runner" means any person other than a licensed passage broker or his bonâ fide salaried clerk, who within any port, or within five miles of the outer boundaries thereof, for hire or reward, or the expectation thereof, directly or indirectly conducts, solicits, influences, or recommends any intending emigrant to or on behalf of any passage broker, or any owner, charterer, or master of a ship, or any keeper of a lodging house, tavern, or shop, or any money changer or other dealer or chapman, for any purpose connected with the preparations or arrangements for a passage, or gives or pretends to give to any intending emigrant any information or assistance in any way relating to emigration:

"Colonial voyage." 18 & 19 Vict. c. 119. s. 95.

The term "colonial voyage" means any voyage from any place within any colony other than Hong Kong, to any place whatever, where the distance between such places exceeds four hundred miles, or the duration of the voyage, determined as by this Act provided, exceeds three days.

Survey of Passenger Steamers.

Passenger steamers to be annually surveyed.

294. Every passenger steamer shall be surveyed once at least in each year, in the manner in this Act provided, and shall not ply or proceed on any voyage or excursion with any passengers on

board, unless the owner or master has such certificate from the Board of Trade as is in this Act mentioned, the same being in force, and applicable to the voyage or excursion on which he is about to proceed, and any officer of customs may detain any passenger steamer until such certificate is produced. A.D. 1871. 17 & 18 Vict. c. 104. ss. 304, 318.

If the provisions of this section are infringed in the case of any passenger steamer, the owner and master shall each incur a penalty not exceeding fifty pounds, and also an additional penalty of five shillings for every passenger on board.

Mode of survey and declaration of survey. 17 & 18 Vict. c. 104, ss. 309, 310, 314.

295. The owner of every passenger steamer shall call upon the surveyor appointed by the Board of Trade for the district in which such steamer is to survey the steamer. The surveyor, on being paid such fees, not exceeding those specified in the first schedule to this Act, as the Board of Trade direct, shall survey such steamer accordingly, and on the completion of such survey shall, if satisfied with the result of his survey, deliver to the owner a declaration of survey in the form prescribed by the Board of Trade, and containing the particulars specified in the second schedule to this Act, and the owner shall within fourteen days after delivery to him of such declaration of survey transmit the same to the Board of Trade.

Board of Trade to issue certificate. 17 & 18 Vict. c. 104. ss. 312, 313.

296. On the receipt of the declaration of survey, the Board of Trade shall, if satisfied that the provisions of this Act have been complied with, send to the owner, or other person named for the purpose in the declaration of survey, a certificate in duplicate, to the effect that the provisions of this Act with respect to the survey of the ship have been complied with, which certificate shall state, according to the declaration—

(1.) The limits (if any) beyond which the ship is not fit to ply:

(2.) The number of passengers which the ship is fit to carry, distinguishing the number to be carried in each part of the ship as distinguished in the declaration:

(3.) The period, if less than twelve months, during which the ship is fit to ply:

(4.) The date at which the certificate will expire.

Where, according to the terms of the declaration, the hull, equipments, or machinery of the ship is or are sufficient only for a period of less than twelve months, the certificate may be granted for any time not exceeding that period.

Continuance of certificates. 17 & 18 Vict. c. 104. s. 315.

297. A certificate shall not be in force for the purposes of this Act for more than one year from the date of the granting thereof, or such shorter time as may be specified in the certificate, nor after notice is given by the Board of Trade to the owner, agent, or

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master of the ship to which it relates, that the Board of Trade have cancelled it.

Cancellation of certificate. 17 & 18 Vict. c. 104. s. 316.

298. The Board of Trade may cancel a certificate in any case in which they are of opinion—

(1.) That any declaration of survey on which such certificate was founded has been made fraudulently or erroneously, or is, in any particular, false or incorrect; or,

(2.) That the certificate has been issued upon false or erroneous information; or,

(3.) That since the making of the declaration the hull, equipments, or machinery has or have sustained any injury, or is or are otherwise defective or insufficient.

And in every such case the Board of Trade may, if they think fit, require the owner to have the ship again surveyed, and to transmit a further declaration of survey before they re-issue any certificate or grant a fresh one in lieu thereof.

Delivery up of certificate. 17 & 18 Vict. c. 104. s. 315.

299. The Board of Trade may require any certificate that has expired or been cancelled to be delivered up at such time to such person and in such manner as they direct; and if any owner or master, without reasonable cause, proof whereof shall lie on him, fails to comply in any respect with such requirement, he shall for each such failure incur a penalty not exceeding *ten* pounds: Provided that, if a passenger steamer be absent from the United Kingdom at the time when her certificate expires, a penalty shall not be incurred for want of a certificate until she first begins to ply with passengers after her next subsequent return to the United Kingdom.

Posting up of certificates of number of passengers. Compare 17 & 18 Vict. c. 104. s. 317.

300. The owner or master of every passenger steamer shall cause notices in the form prescribed by the Board of Trade of the number of passengers authorized to be carried by such steamer, and also one of the duplicate certificates for the time being in force, to be put up in such conspicuous place or places on board the steamer as the surveyor may direct, so as to be legible to all persons on board, and to be kept so put up and legible, and without alteration or obliteration.

If at any time the provisions of this section are not complied with, the master and owner of the steamer shall each incur a penalty not exceeding forty shillings for every day during which such non-compliance continues.

Every person who pulls down, injures, alters, obliterates, or defaces any notice or certificate put up in pursuance of this section shall incur a penalty not exceeding forty shillings.

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The court may direct any portion not exceeding one half of any penalty inflicted under this section to be paid to the informer.

Passengers in excess. 17 & 18 Vict. c. 104. s. 319.

301. If any passenger steamer has on board thereof, or on or in any part thereof, any number of passengers greater than the number allowed to such steamer, or such part thereof, by the certificate, the master and owner of the steamer shall each incur a penalty for each offence not exceeding *twenty pounds*, and also an additional penalty not exceeding *five shillings* for every passenger over and above the number allowed by the certificate, or if the fare of any of the passengers on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers over and above such number; and for the purpose of calculating the amount so payable the fares of all the passengers over and above such number shall be reckoned at the highest rate of fare payable by any passenger on board.

Any constable or officer of police may at any time go on board any passenger steamer and inspect the same, for the purpose of seeing whether the provisions of this Act with respect to the number of passengers to be carried on board such steamer, or any part thereof, are complied with; and any person who wilfully obstructs or hinders any constable or officer of police when engaged in such inspection shall for each offence incur a penalty not exceeding *twenty pounds*.

Keeping Order in Passenger Steamers.

Power to exclude and remove disorderly passengers. 17 & 18 Vict. c. 104. s. 325.

302. The master or any officer of any passenger steamer may refuse to receive on board thereof any person who is drunk or disorderly, or who causes or is in a condition to cause annoyance or injury to passengers on board; or, if any such person be on board, the master or officer may put him on shore at any convenient place.

No person refused admittance or put on shore in pursuance of this section shall be entitled to have returned to him any fare he may have paid.

Offences in connexion with passenger steamers. 25 & 26 Vict. c. 63. ss. 35, 36, 37.

303. If any of the following offences are committed on board a passenger steamer; that is to say,

Attempting to enter.

(1.) If any person being drunk or disorderly has been on that account refused admission into a passenger steamer by the owner or any person in his employment, and nevertheless persists in attempting to enter the steamer:

Refusing to leave.

(2.) If any person being drunk or disorderly on board a passenger steamer is requested by the owner or any person in his employment to leave the same at any place in the United

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Kingdom, being a reasonably convenient place to leave the same, and does not comply with such request:

Molesting passengers.

(3.) If any person on board a passenger steamer, after warning by the master or other officer of the steamer, molests or continues to molest any passenger:

Forcing way on board when full.

(4.) If any person, after having been refused admission into a passenger steamer by the owner or any person in his employment, on account of the steamer being full, and having had the amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer:

Refusing to quit when full.

(5.) If any person having gone on board a passenger steamer, on being requested on account of the steamer being full by the owner or any person in his employment to leave the steamer before it has quitted the place at which such person went on board, and having had the amount of his fare, if he has paid it, returned or tendered to him, does not comply with such request:

Not paying fare.

(6.) If any person travels or attempts to travel in a passenger steamer without first paying his fare, unless he shows, to the satisfaction of the court before which he is charged, that he did not do so with intent to avoid payment of his fare or of any part thereof:

Not paying additional fare.

(7.) If any person having paid his fare for a certain distance proceeds in a passenger steamer beyond that distance without first paying the additional fare for the additional distance, unless he shows, to the satisfaction of the court before which he is charged, that he did so by mistake or without an intention of avoiding payment of the additional fare or of any part thereof:

Not quitting on arrival.

(8.) If any person, without reasonable cause, proof whereof shall lie on him, on arriving in a passenger steamer at a point to which he has paid his fare, does not quit the steamer:

Not showing ticket.

(9.) If any person on board a passenger steamer, without reasonable cause, proof whereof shall lie on him, fails when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare as is usually given to persons travelling by and paying their fare on the steamer,

then and in every such case the person so offending shall for every such offence incur a penalty not exceeding *forty shillings*, but this

liability shall not prejudice the recovery of any amount payable by him as fare. A.D. 1871.

If any person on board a passenger steamer, without reasonable cause, proof whereof shall lie on him, does or causes to be done anything to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of her, or otherwise in the execution of their duty on or about the steamer, he shall for every such offence incur a penalty not exceeding *twenty pounds*. Obstructing machinery or crew.

It shall be lawful for the master or other officer of a passenger steamer, and for all persons called by him to his assistance, without any warrant, to detain any offender against the provisions of this section whose name and address are unknown to such master or officer, and to convey such offender with all convenient despatch before any court of summary jurisdiction to be dealt with according to law. 25 & 26 Vict. c. 63. s. 37.

Survey of Emigrant Ships.

304. Every emigrant ship shall, before proceeding to sea on any voyage, be surveyed, at the expense of the owner or charterer thereof, by two or more competent surveyors, to be appointed for a port at which there is an emigration officer, by the Emigration Commissioners; for other ports in the British islands, by the Commissioners of Customs; and for colonial ports by the governor of the colony. Such surveyors are in this Act referred to as emigration surveyors. Such survey shall be made before any portion of the cargo or stores is taken on board, except so much as may be necessary for ballasting the ship, and any portion of cargo or stores on board shall be shifted, if required by the emigration officer or emigration surveyors, so as to expose to view successively every part of the frame of the ship. Upon the completion of such survey, the emigration surveyors shall, if they are satisfied that they can with propriety do so, report to the emigration officer or Commissioners of Customs or governor, as the case may be, that the ship is in their opinion seaworthy and fit for her intended voyage. Preliminary survey of emigrant ship. 18 & 19 Vict. c. 119. ss. 19, 98.

In case of non-compliance with any of the requirements of this section, the owner, charterer, and master of the ship, or any of them, shall for each offence incur a penalty not exceeding one hundred pounds.

305. If the emigrant surveyors, where only two, differ in their opinion and make no report, or if they, or the majority of them, where more than two, report that the ship is not seaworthy, or that she is not fit for her intended voyage, the owner or charterer may, Appeal against preliminary survey. 18 & 19 Vict. c. 119. s. 19.

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if he think fit, require, by writing under his hand, the emigration officer to appoint three other competent surveyors to survey the ship, at the expense of such owner or charterer. Upon receiving such requisition, the said officer shall appoint such surveyors, who shall survey the ship, and if by unanimous report under their hands, but not otherwise, they declare the ship to be seaworthy and fit for her intended voyage, the ship shall for the purposes of this Act be deemed seaworthy and fit for such voyage.

Unseaworthy passenger ship not to carry passengers as short ship.

306. Where a ship has been surveyed as an emigrant ship under this Act, and has not been reported seaworthy or fit for her intended voyage, she shall not carry any passengers as a short ship unless she have a valid certificate of survey from the Board of Trade.

In case of non-compliance with the requirements of this section, the owner, charterer, and master of the ship, or any of them, shall for each offence incur a penalty not exceeding five hundred pounds.

Steam emigrant ships to be provided with adequate sailing gear.

307. Every steam emigrant ship which is propelled by a single propeller shall be furnished with sails and sailing gear sufficient in the opinion of the emigration officer at her port of clearance to meet the case of her steam machinery being disabled.

In case of non-compliance with the requirements of this section, the owner, charterer, and master of the ship, or any of them, shall incur a penalty not exceeding five hundred pounds.

Passengers not to be shipped before completion of survey and stowage of cargo.

308. No passengers shall be taken on board an emigrant ship until,

(1.) the survey thereof has been completed to the satisfaction of the emigration officer at the port of clearance; and

(2.) all the cargo has been shipped and stowed away.

In case of non-compliance with the requirements of this section, the owner, charterer, and master of the ship, or any of them, shall incur a penalty not exceeding five hundred pounds.

Equipments.

Equipments. 18 & 19 Vict. c. 119. s. 27.

309. Every emigrant ship shall be properly equipped with the several boats and other articles specified in the third schedule to this Act: If any regulation for the time being in force under this section is not complied with in the case of any ship, the master of such ship shall for each offence incur a penalty not exceeding three hundred pounds.

Accommodation for Passengers.

Accommodation for passengers.

310. Due accommodation for emigrant passengers shall be provided in every emigrant ship in accordance with the regulations contained in the fourth schedule to this Act. If any regulation for

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the time being in force under this section is not complied with in the case of any ship, the owner, charterer, and master of such ship, or any of them, shall for each offence incur a penalty not exceeding fifty pounds; and any non-compliance with the regulations respecting the number of emigrant passengers to be carried on board emigrant ships shall be deemed to be a separate offence in the case of each passenger exceeding the number allowed.

18 & 19 Vict. c. 119. ss. 13, 14, 20–26.

Provisions, Water, and Medical Comforts.

Supply of provisions and water. 18 & 19 Vict. c. 119. s. 31.

311. Every emigrant ship shall be supplied, at the expense of the owner, charterer, or master thereof, with provisions and water for the use of the passengers, of good quality and fit for use and sufficient to secure throughout the voyage the issues by this Act required.

If any emigrant ship proceeds to sea without being supplied with such provisions and water, the owner, charterer, and master of such ship, or any of them, shall for each offence incur a penalty not exceeding three hundred pounds.

Mode of carrying water. 18 & 19 Vict. c. 119. s. 33.

312. The water to be laden on board emigrant ships in pursuance of this Act shall be carried in tanks or casks, to be approved by the emigration officer at the port of clearance, and, if casks, to be of the description specified in the fifth schedule to this Act.

In case of non-compliance with any of the requirements of this section, the owner, charterer, and master of the ship, or any of them, shall for each offence incur a penalty not exceeding fifty pounds.

Distilling apparatus.

313. Where an emigrant ship is provided with an efficient apparatus for distilling fresh water from salt water, such ship shall be exempted from carrying more than one half of the quantity of fresh water which is sufficient for the issues by this Act required.

A ship shall not be deemed to be so provided unless with respect to such apparatus the regulations contained in the fifth schedule to this Act have been observed.

Provision for touching at intermediate ports to take in water. 18 & 19 Vict. c. 119. s. 34.

314. If an emigrant ship is intended to call at any intermediate port or place during the voyage for the purpose of taking in water, and if an engagement to that effect is inserted in the bond by this Act required to be entered into by the master of such ship, it shall be sufficient to place on board at the port of clearance such supply of water as is required by this Act for the voyage of such ship to such intermediate port or place, subject to the following conditions; that is to say,

(1.) The emigration officer at the port of clearance shall signify in writing his approval of the arrangement, and such approval

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shall be carried among the ship's papers, and shall be exhibited to the chief officer of customs, or to the British consular officer, as the case may be, at such intermediate port or place, and shall be delivered to the chief officer of customs or British consular officer, as the case may be, on the arrival of the ship at her final port or place of discharge:

(2.) If the length of either portion of the voyage, whether to such intermediate port or place, or from such intermediate port or place to the final port or place of discharge, is not determined under the provisions of this Act, the emigration officer at the port of clearance shall declare the same in writing, and such declaration shall be carried among the ship's papers:

(3.) The ship shall have on board at the time when a clearance is demanded a supply of tanks and water casks of the description by this Act required, sufficient for stowing the quantity of water required for the longest of such portions of the voyage as aforesaid.

Medical comforts. 18 & 19 Vict. c. 119. s. 43.

315. Every emigrant ship shall, at the expense of the owner, charterer, or master thereof, be supplied with the medical comforts specified in the fifth schedule to this Act, and with such medicines, anti-scorbutics, disinfectants, books, directions, instruments, and other articles requisite for the proper treatment of diseases and accidents at sea, as may be specified in scales to be from time to time issued by the Emigration Commissioners, or in the case of a ship proceeding on colonial voyages, by the governor of the colony from which such ship proceeds. Such articles shall, in the judgment of the emigration officer at the port of clearance, be good in quality and sufficient in quantity for the probable exigencies of the intended voyage, and shall be properly packed, and placed under the charge of the medical practitioner, when there is one on board, to be used at his discretion. In case of non-compliance with any of the requirements of this section, the owner, charterer, and master of such ship, or any of them, shall for each default incur a penalty not exceeding fifty pounds.

Power of emigration officer to reject bad provisions and water. 18 & 19 Vict. c. 119. s. 32.

316. The emigration officer shall survey, or cause to be surveyed by some competent person, all the provisions, water, medical comforts, medicines, anti-scorbutics, disinfectants, and other articles by this Act required to be provided before any portion of the same respectively is placed on board the ship. If the emigration officer considers that any portion of the same is not of a good quality or fit for use, he shall reject the same and mark it as rejected on the

package or vessel in which it is contained. If any article so rejected is shipped in such ship, the owner, charterer, and master of such ship, or any of them, or if the same articles, or any of them, are shipped in any other emigrant ship, then the person causing the same to be so shipped, shall for each offence incur a penalty not exceeding one hundred pounds.

Issue of provisions during voyage.
18 & 19 Vict. c. 119. ss. 35, 36.
26 & 27 Vict. c. 51. ss. 9, 10.

317. The master of every emigrant ship shall during the voyage, including the time of detention at any place before the termination thereof, issue to each emigrant passenger, or where such passengers are divided into messes, to the head man for the time being of each mess on behalf and for the use of all the members thereof, an allowance of pure water, and sweet and wholesome provisions, at the times, in the manner, and according to the dietary scale provided by the regulations contained in the fifth schedule to this Act.

If in the case of any emigrant ship, any regulation for the time being in force under this section is not complied with, the master of the ship shall for each offence incur a penalty not exceeding fifty pounds.

Sale of medicines, &c. of bad quality.
23 & 24 Vict. c. 84.

318. The Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter eighty-four, intituled "An Act for preventing the adulteration of articles of "food or drink," shall extend to all medicines, medical comforts, anti-scorbutics, and disinfectants required to be provided in pursuance of this Act, in the same manner as if they were included in the said Act under the term articles of food and drink; and any such medicines, medical comforts, anti-scorbutics, or disinfectants which are of bad quality shall be deemed to be not pure within the meaning of that Act.

Dangerous Goods, and Carriage of Cattle.

Regulations as to dangerous and noxious goods, and as to the carriage of horses and cattle.
18 & 19 Vict. c. 119. s. 29.
26 & 27 Vict. c. 51. s. 8.
33 & 34 Vict. c. 95.

319. In the case of every emigrant ship, the regulations contained in the sixth schedule to this Act with respect to the prohibition of dangerous and noxious goods, and with respect to the carriage of horses and cattle, shall be observed in the same manner as if they were enacted in the body of this Act. If any regulation for the time being in force under this section is not complied with in the case of any ship, the owner, charterer, and master of the ship, or any of them, shall for each offence incur a penalty not exceeding three hundred pounds.

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Manning and Staff.

Manning and staff. 18 & 19 Vict. c. 119. ss. 28, 38–42.

320. The regulations contained in the seventh schedule to this Act with respect to the manning and staff of emigrant ships shall be observed in the same manner as if they were enacted in the body of this Act.

In case of non-compliance with any of the regulations for the time being in force under this section respecting medical practitioners, the master of the ship shall for each offence incur a penalty not exceeding one hundred pounds, and in case of non-compliance with any other of such regulations he shall for each offence incur a penalty not exceeding fifty pounds.

Any person who proceeds or attempts to proceed as medical practitioner in any emigrant ship without having complied with the requirements for the time being in force under this section respecting medical practitioners, so far as they relate to him, shall for each offence incur a penalty not exceeding one hundred pounds.

Medical Inspection of Passengers.

Medical inspection of passengers. 18 & 19 Vict. c. 119. s. 44.

321. An emigrant ship shall not proceed to sea until a medical practitioner, to be appointed by the emigration officer at the port of clearance, has inspected all the passengers and crew about to proceed in the ship, and has certified to the emigration officer that none of the passengers or crew appear to be by reason of any bodily or mental disease unfit to proceed, or likely to endanger the health or safety of the other persons about to proceed in the ship.

Such inspection shall take place either on board the ship, or, at the discretion of the emigration officer, at such convenient place on shore before embarkation, as he may appoint; and the master, owner, or charterer of the ship shall pay to the emigration officer in respect of such inspection a sum at the rate of twenty shillings for every hundred persons so inspected.

Provided that, where the emigration officer sees no reason to doubt the sanitary fitness of the cabin passengers to proceed, he may dispense with their medical inspection.

If any emigrant ship proceeds to sea without having complied with all the requirements of this section, the master of such ship shall for each offence incur a penalty not exceeding one hundred pounds.

Relanding of persons for sanitary reasons. 18 & 19 Vict. c. 119. s. 45.

322. If the emigration officer at any port is satisfied that any person on board or about to proceed in any emigrant ship is by reason of sickness unfit to proceed, or is for that or any other reason likely to endanger the health or safety of the other persons

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on board, such emigration officer shall prohibit the embarkation of such person, or if he is embarked shall direct him to be relanded. If the emigration officer is satisfied that it is necessary for the purification of the ship or otherwise that all or any of the persons on board should be relanded, he may direct the master of the ship to reland all such persons, and the master shall thereupon reland such persons, with so much of their effects and with such members of their families as cannot in the judgment of such emigration officer be properly separated from them.

In case of non-compliance with any of the requirements of this section, the master, owner, and charterer of the ship, or any of them, shall for each offence incur a penalty not exceeding two hundred pounds. Any person who embarks after such prohibition, or fails to leave the ship when so directed to be relanded, may be summarily removed, and shall incur a penalty not exceeding forty shillings for each day during which he remains on board after the giving of such prohibition or direction.

Return of passage money to passengers relanded on account of sickness. 18 & 19 Vict. c. 119. s. 46. 26 & 27 Vict. c. 51. s. 11.

323. When any passenger has been relanded from an emigrant ship on account of the sickness of himself or of any member of his family, and is not re-embarked or does not finally sail in such ship, he, or any emigration officer on his behalf, shall be entitled, on delivery up of the contract ticket of such passenger, and notwithstanding that such ship has not sailed, to recover summarily in the case of an emigrant passenger the whole, and in the case of a cabin passenger one half of the moneys which have been paid by or on account of such passenger and of the members of his family so relanded, from the person to whom the same have been paid, or from the owner, charterer, or master of the ship, at the option of such passenger or emigration officer.

Subsistence money to be paid to passengers relanded. 18 & 19 Vict. c. 119. s. 47.

324. The master of any emigrant ship from which the whole or any part of the passengers have been relanded for sanitary reasons shall pay to each emigrant passenger so relanded, or if he is lodged and maintained in any hulk or establishment under the superintendence of the Emigration Commissioners, then to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult until he has been re-embarked or declines or neglects to proceed, or until his passage money, if recoverable under this Act, has been returned to him; and such subsistence money shall be recoverable summarily.

Master's Bond.

Bond to be given by master of

325. Before any emigrant ship proceeds to sea, the master, together with the owner or charterer, or in the event of the

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passenger ship. 18 & 19 Vict. c. 119. s. 63.

owner or charterer being absent, or if the master be the owner or charterer, one other good and sufficient person to be approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond in the sum of two thousand pounds, to Her Majesty, her heirs and successors. Such bond shall be in the form prescribed by the Emigration Commissioners, and shall be executed in duplicate.

Evidence of bond. 18 & 19 Vict. c. 119. s. 64.

326. The chief officer of customs at the port of clearance of any emigrant ship bound to any colony shall certify on one part of such bond that it has been duly executed by the master of the ship and the other obligor, and shall forward the same to the governor of the colony to which the ship is bound, or to such person as such governor may in that behalf appoint. Such certificate shall in any colonial court in which the bond may be put in suit, be deemed conclusive evidence of the due execution of the bond by the master and the other obligor, and it shall not be necessary to prove the handwriting of the officer of customs who has signed the certificate, nor that he was at the time of signing it chief officer of customs at the port of clearance: Provided that no such bond shall be put in suit in any colony after the expiration of three months next after the arrival therein of the said ship, nor in the British islands after the expiration of twelve months next after the return of the ship and of the master to the British islands.

Special provision as to bond in cases where neither owner nor charterer reside in British islands. 26 & 27 Vict. c. 51. s. 17.

327. Where neither the owner nor charterer of an emigrant ship resides in the British islands, the bond by this Act required to be given shall be for the sum of five thousand pounds instead of two thousand pounds, and an additional condition shall be inserted in such bond to the effect that the obligors shall, subject to the provisions and limitations in this Act contained, be liable for and pay to Her Majesty and her successors, as a crown debt, all expenses which may be incurred under the provisions of this Act in rescuing, maintaining, and forwarding to their destination any passengers of such ship who by reason of shipwreck or any other cause, except their own neglect or default, are not conveyed to their intended destination by or on behalf of the owner, charterer, or master of such ship.

Passengers Lists.

Passengers lists. 18 & 19 Vict. c. 119. s. 16.

328. The master of every emigrant ship and short ship shall, before demanding a clearance for such ship, sign two lists made out in the form prescribed by the Emigration Commissioners,

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26 & 27 Vict. c. 51. s. 6.

correctly setting forth in the manner therein directed the name and other particulars of the ship and of every passenger on board thereof. The said lists shall be countersigned by the emigration officer when there is one at the port, and shall be delivered by the master to the chief officer of customs at the port. Such officer shall thereupon countersign and return to the master one of such lists (which list, together with the additions to be made thereto as by this Act provided, is in this Act referred to as the master's list), and shall retain the other of such lists. The master shall from time to time enter on the master's list—

(1.) The date of birth and sex of any child who is born on the voyage:

(2.) The date and supposed cause of death of any passenger who dies on the voyage.

When any passenger is landed at any place before the final port of discharge, the master shall exhibit such list to the chief officer of customs if such place of landing be in a British possession, or to the British consular officer if such place of landing be a foreign port. On arrival at the final port of discharge, the master shall deposit such list with the chief officer of customs or the British consular officer, as the case may be, and such officer shall thereupon forthwith transmit the particulars of any such birth or death in the form prescribed by the Emigration Commissioners to the Emigration Commissioners, to be by them forwarded to the Registrar General of Births, Deaths, and Marriages in England, who shall file the same and enter a copy thereof under his hand in the marine register book.

Any master who fails to comply with any of the requirements of this section, and every person who wilfully destroys or mutilates or renders illegible any entry in any of the lists by this section required to be made and kept, shall for each offence incur a penalty not exceeding one hundred pounds.

Lists of passengers embarked after clearance.

18 & 19 Vict. c. 119. s. 17.

26 & 27 Vict. c. 51. s. 6.

329. If at any time after such lists have been signed and delivered as aforesaid any additional passenger is taken on board, in every such case the master shall, according to the form prescribed by the Emigration Commissioners, add to the master's list the names and other particulars of every such additional passenger, and shall also sign a separate list, made out according to the form so prescribed, containing the names and other particulars of every such additional passenger. Such separate list shall be countersigned by the emigration officer, where there is one at the port, and shall, together with the master's list to which

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such addition has been made, be delivered to the chief officer of customs at the port. Such officer shall thereupon countersign the master's list, and return the same to the master, and shall retain the separate list, and so on in like manner whenever any additional passenger is taken on board. If no officer of customs is stationed at the place where such additional passenger is taken on board, the said lists shall be delivered to the officer of customs at the next place having such officer at which such vessel arrives to be dealt with as herein-before mentioned. When any additional passenger is taken on board the master shall obtain a fresh certificate from the emigration officer of the port that all the requirements of this Act have been complied with before the ship proceeds to sea. In case of non-compliance with any of the requirements of this section, the master shall for each offence incur a penalty not exceeding fifty pounds.

Penalty on persons found on board ship without consent of owners. 18 & 19 Vict. c. 119. s. 18. 26 & 27 Vict. c. 51. s. 7.

330. Any personfound on board an emigrant ship with intent to obtain a passage therein without the consent of the owner, charterer, or master thereof, shall be liable to a penalty not exceeding twenty pounds, and in default of payment to imprisonment for a period not exceeding six months, with or without hard labour, and the master, or any person authorized by him, may take any such person into custody, and deliver him up as soon as practicable to any constable or peace officer, to be by him taken before any court of summary jurisdiction, to be dealt with according to law.

Certificate of Clearance.

Certificate of clearance. 18 & 19 Vict. c. 119. ss. 11, 31.

331. Before any emigrant ship is cleared out, the emigration officer at the port of clearance shall, upon satisfying himself that all the requirements of this Act, so far as the same can be complied with before the departure of the ship, have been duly complied with, and that the ship is in his opinion seaworthy, in safe trim, and in all respects fit for her intended voyage, and that her passengers and crew are in a fit state to proceed, deliver to the master of the ship a certificate of clearance in the form prescribed by the Emigration Commissioners.

If the emigration officer refuses to grant a certificate of clearance, the owner or charterer of the ship in respect of which such certificate is refused may appeal in writing to the Emigration Commissioners, who shall thereupon appoint any two other emigration officers or any two competent persons to examine into the matter, at the expense of the appellant.

The persons so appointed may, if they are satisfied that they can with propriety do so, grant to the master of the ship a certificate of

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clearance under their joint hands and in the form prescribed by the Emigration Commissioners, and such certificate shall be of the same effect as if granted by the emigration officer of the port of clearance.

Facilities to be given for the inspection of ships. 18 & 19 Vict. c. 119. s. 10.

332. The master of every emigrant ship and short ship shall afford to the emigration officer at any port or place in Her Majesty's dominions, and, in the case of British ships, to Her Majesty's consular officer at any foreign port or place at which such ship is or arrives, every facility for inspecting such ship, and for communicating with the passengers, and for ascertaining that the provisions of this Act, so far as the same may be applicable to such ship, have been duly complied with. Any master who fails to comply with any of the requirements of this section shall for each offence incur a penalty not exceeding fifty pounds.

Ships putting back to replenish provisions, &c. 18 & 19 Vict. c. 119. s. 50.

333. If any emigrant ship after clearance is detained in port for more than seven days, or puts into or touches at any port or place in the British islands, she shall not proceed to sea again until—

(1.) There has been laden on board, at the expense of the owner, charterer, or master of the ship, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical comforts, as is necessary to make up the full quantities of those articles by this Act required to be laden on board for the intended voyage;

(2.) Any damage which the ship may have sustained has been effectually repaired; and

(3.) The master of the ship has obtained from the emigration officer at such place, a certificate of clearance to the same effect as the certificate by this Act required to enable the ship to clear out from her port of departure.

In case of non-compliance with any of the requirements of this section, the master shall for each offence incur a penalty not exceeding one hundred pounds.

Ships putting back to be reported to emigration officer. 18 & 19 Vict. c. 119. s. 50.

334. If any emigrant ship, after clearance, puts into or touches at any port or place in the British islands, the master shall, within twelve hours thereafter, report in writing his arrival, and the cause of his putting back, and the condition of his ship and of her stores and provisions, to the emigration officer at such port or place, and shall produce to such officer the master's list of passengers. In case of non-compliance with any of the requirements of this section the master shall for each offence incur a penalty not exceeding twenty pounds.

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Forfeiture of ship proceeding to sea without certificate of clearance, &c. 26 & 27 Vict. c. 51. s. 13.

385. If any emigrant ship—

(1.) Proceeds to sea without the master having obtained the certificate of clearance by this Act required;

(2.) Proceeds to sea without the master having joined in executing the bond by this Act required; or

(3.) Having proceeded to sea, puts into any place in the British islands in a damaged state, and leaves or attempts to leave such place with passengers on board without the master having obtained such certificate of clearance as is by this Act required in such cases;

she shall be forfeited to the use of Her Majesty, and may be seized by any officer of customs if found within two years from the commission of the offence in any port or place in Her Majesty's dominions, and shall thereupon be dealt within in the same manner as if she had been seized as forfeited for an offence incurring forfeiture under any of the laws relating to the customs: Provided that it shall be lawful for one of Her Majesty's Principal Secretaries of State to release, if he think fit, any such forfeited ship from seizure and forfeiture, on payment by the owner, charterer, or master thereof, to the use of Her Majesty, of such a sum not exceeding two thousand pounds as such Secretary of State may by writing under his hand specify.

Passengers Contracts.

Contract tickets for passengers. 18 & 19 Vict. c. 119. s. 71.

336. If any person, except the Emigration Commissioners and persons acting for them and under their direct authority, receives money from any person for or in respect of a passage as an emigrant passenger in any emigrant ship or short ship, or for or in respect of a passage as a cabin passenger in any emigrant ship, he shall, at the time of such money being paid, give to the person paying the same a contract ticket in the form prescribed by the Emigration Commissioners, signed by the owner, charterer, or master of the ship in which the passage is to be provided, or by some person in his name or on his behalf. Any directions contained in such form of contract shall be obeyed in the same manner as if set forth in this Act.

Any person who fails to comply with any of the requirements of this section, or of any of the directions in such form of contract ticket not inconsistent with this Act, shall for each offence incur a penalty not exceeding fifty pounds.

Summary remedy for breach of contract.

337. Any question which arises respecting the breach or non-performance of any of the stipulations in any such contract ticket may be heard and determined summarily, and the court shall have

power to award to the complainant such damages and costs (if any) as they think fit, not exceeding the amount of the passage money specified in such contract, together with twenty pounds. A.D. 1871. 18 & 19 Vict. c. 119. s. 73.

Provided that any passenger who has obtained compensation or redress under any of the other provisions of this Act shall not be entitled to sue under this section for damages in respect of the same matter.

338. Any passenger who, on demand of any emigration officer, fails to produce his contract ticket, and any owner, charterer, or master of a ship who, on like demand, fails to produce the counterpart of any contract ticket issued by such owner, charterer, or master, or on his behalf, shall for each offence incur a penalty not exceeding ten pounds. Penalty for failure to produce contract ticket. 18 & 19 Vict. c. 119. s. 74.

339. Any person who, after a contract ticket has been once issued, and during the continuance of the contract which it is intended to evidence, alters, mutilates, defaces, or destroys such ticket, or wrongfully detains the same, or induces the holder or owner to part therewith, shall (except in the case of cabin passengers who have consented thereto) for each offence incur a penalty not exceeding twenty pounds. Penalty for altering or inducing any one to part with contract ticket. 18 & 19 Vict. c. 119. s. 72.

Health and Discipline.

340. Her Majesty may, from time to time, by Order in Council, make regulations for the following purposes; (that is to say,) Power for Her Majesty by Order in Council to make sanitary and other regulations. 18 & 19 Vict. c. 119. s. 59.

(1.) For preserving order, promoting health, and securing cleanliness and ventilation on board of emigrant ships; and

(2.) At any time when choleraic or any epidemic disease is generally prevalent in the British islands or any part thereof, for limiting the number of passengers to be carried in any emigrant ship, or for prohibiting emigration from any port in the British islands.

Any person who fails to comply with any such regulations shall be deemed guilty of a misdemeanor.

341. In every emigrant ship the master, aided by the medical practitioner, shall maintain good order and discipline on board, shall enforce such habits of cleanliness among the passengers as will tend to the preservation and promotion of health, and shall require the observance of all regulations made by any such Order in Council as aforesaid. The master may punish any emigrant passenger who fails to comply with any order given in pursuance of this section either by Discipline on board. 18 & 19 Vict. c. 119. s. 60.

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imprisonment for a period not exceeding forty-eight hours, or by curtailment of a portion, not exceeding one half, of the daily issue of provisions for a period not exceeding seven days, but not in any case by blows or corporal punishment of any kind.

Any person on board who obstructs the master or medical practitioner in the execution of any duty imposed upon him by any such regulation, or who is guilty of riotous or insubordinate conduct, shall, on arrival at his destination, in addition to any punishment which he may have undergone on board, incur for each offence a penalty not exceeding two pounds, or, in default of payment, be liable to imprisonment for any period not exceeding one month, with or without hard labour.

Crew not to visit passengers part of ship without leave.

342. No officer, seaman, or any other person employed on board an emigrant ship, shall frequent or visit any part of the ship appropriated to the use of the ordinary passengers except when acting in the performance of his duty by the direction or permission of the master. Any person who offends against this section shall for each offence incur a penalty not exceeding ten pounds.

Sale of spirits prohibited on emigrant ships.
18 & 19 Vict. c. 119. s. 62.

343. No person in any emigrant ship shall during the voyage directly or indirectly sell or cause to be sold any spirits or strong waters to any emigrant passenger. Any person who offends against this section shall for each offence incur a penalty not exceeding twenty pounds.

Maintenance after Arrival.

Passengers to be maintained for 24 hours after arrival.
18 & 19 Vict. c. 119. s. 57.

344. Every emigrant passenger in an emigrant ship shall be entitled for at least twenty-four hours next after his arrival at the end of his voyage to sleep in the ship, and to be provided for and maintained on board thereof, in the same manner as during the voyage, unless within that period the ship quits such place in the further prosecution of her voyage. In case of non-compliance with any of the requirements of this section, the master shall for each offence incur a penalty not exceeding five pounds.

Detention and Wrongful Landing of Passengers.

Return of passage money and compensation to passengers when passage not provided according to contract.

345. Where a contract has been made by or on behalf of any emigrant passenger for a passage in any emigrant ship or short ship, and such passenger

(1.) is at the place of embarkation on the day previous to the day of embarkation appointed in such contract, and,

(2.) if required, has paid the stipulated passage money,

then if such passenger from any cause whatever (other than his own

neglect or default, or the prohibition of an emigration officer, or the requirement of an Order in Council), A.D. 1871.

18 & 19 Vict. c. 119. s. 48.

(1.) is not received on board such ship on such day of embarkation; or,

(2.) having been received on board,

(*a.*) does not obtain a passage in such ship to the port at which he has contracted to land; or

(*b.*) does not, together with all the immediate members of his family who are included in such contract, obtain a passage to the same port in some other ship, equally eligible in the opinion of the emigration officer at the port of embarkation, to sail within ten days from the expiration of the said day of embarkation, and is not paid subsistence money from the time and at the rate by this Act provided in such cases;

such passenger, or any emigration officer on his behalf, may recover summarily, either from any person to whom or on whose account any moneys have been paid under such contract, or in case such contract has been made with the owner, charterer, or master of the ship, or with any person acting on behalf or by the authority of any of them, then, at the option of such passenger or emigration officer, from such owner, charterer, or master, all moneys paid by or on account of such passengers for such passage, together with such further sum not exceeding ten pounds in respect of each such passenger as is in the opinion of the court a reasonable compensation for the loss or inconvenience occasioned to such passenger by the loss of his passage.

Subsistence in case of detention.

18 & 19 Vict. c. 119. s. 49.

346. If any emigrant ship or short ship does not proceed on her intended voyage before three o'clock in the afternoon of the day next after the day of embarkation appointed in such contract, the owner, charterer, or master of such ship, or his or their agent, shall, until the ship proceeds on her voyage, pay to every emigrant passenger entitled to a passage in the ship, or (if such passenger is lodged and maintained in any hulk or establishment under the superintendence of the Emigration Commissioners) to the emigration officer at the port of embarkation, subsistence money at the following rate; that is to say,

(1.) for the first ten days of detention, one shilling and sixpence a day for each statute adult; and

(2.) for every subsequent day, three shillings a day for each statute adult.

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Such subsistence money shall be paid daily if so required by any passenger, and may be recovered summarily from any person liable to pay the same.

Provided that,—

(1.) if the passengers be maintained on board in the same manner as if the voyage had commenced, subsistence money shall not be payable for the first two days next after the said day of embarkation, and

(2.) if they are so maintained, and the ship is unavoidably detained by wind or weather, or by any cause not attributable in the opinion of the emigration officer to the act or default of the owner, charterer, or master, subsistence money shall not be payable during any part of such period of detention.

Penalty on wrongfully landing passengers. 18 & 19 Vict. c. 119. s. 56.

347. If any emigrant passenger in any emigrant ship or short ship is landed at any place other than the place at which he has contracted to land, unless with his previous consent, or unless such landing is rendered necessary by perils of the sea or other unavoidable accident, the master of the ship shall for each offence incur a penalty not exceeding fifty pounds.

Provisions in case of Wreck.

Wreck or damage in or near British islands. 26 & 27 Vict. c. 51. s. 14.

348. When any emigrant ship—

(1.) Has in any port of the British islands, or after the commencement of the voyage, been wrecked or otherwise rendered unfit to proceed on her intended voyage, and the emigrant passengers, or any of them, have been brought back to any place in the British islands; or

(2.) Has put into any port or place in the British islands in a damaged state;

the master, charterer, or owner of such ship shall, within forty-eight hours after such passengers or any of them have been so brought back, or the ship has so put in, give to the nearest emigration officer a written undertaking to the following effect; that is to say,

(1.) If the ship has been wrecked or rendered unfit to proceed on her voyage, that the owner, charterer, or master thereof shall embark and convey such passengers in some other ship, to be approved by such officer, and to sail within six weeks from the date of such undertaking, to the place for which their passages had been respectively taken:

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(2.) If the ship has put into port in a damaged state, that she shall be made seaworthy and fit in all respects for her intended voyage, and shall within six weeks from the date of such undertaking sail again with her passengers.

In either of the above cases, the owner, charterer, or master shall, until such passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or pay to each such passenger, or (if he be lodged and maintained in any hulk or establishment under the superintendence of the Emigration Commissioners) to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult, and such subsistence money may be recovered summarily from any person hereby made liable to pay the same.

If the substituted ship, or the damaged ship, as the case may be, does not sail within the required time, or if default is made in compliance with any of the requirements of this section, any such passenger or any emigration officer on his behalf may recover summarily all moneys which have been paid by him or on his account for such passage, from the person to whom or on whose account the same may have been paid, or from the owner, charterer, or master of the ship, at the option of such passenger or emigration officer.

The emigration officer may, if he think it necessary, direct that the emigrant passengers be removed from any damaged passenger ship, at the expense of the master thereof, and if after such direction any such passenger refuse to leave such ship, he shall be liable to a penalty not exceeding forty shillings, or to imprisonment not exceeding one month.

Expenses of rescue and conveyance of wrecked passengers. 18 & 19 Vict. c. 119. s. 52.

349. If any passenger is taken off from any wrecked, damaged, or deserted emigrant ship at sea, or is picked up at sea from any boat, raft, or otherwise, it shall be lawful, if the place to which he is conveyed be in the British islands, for one of Her Majesty's Principal Secretaries of State; if such place be in a British possession other than the Channel islands or the Isle of Man, for the governor of such possession, or any person authorized by him for the purpose; and if such place be in any foreign country, for the British consular officer at such place, to defray all or any part of the expenses incurred on account of the rescue and conveyance of such passenger, in this Act referred to as a wrecked passenger.

Governors or consuls may send on passengers, if the master

350. If any passenger of any emigrant ship, without any neglect or default of his own, finds himself at any place outside the British islands other than that for which the ship was originally bound, or at which he, or the Emigration Commissioners, or any public

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of the ship fail to do so. 26 & 27 Vict. c. 51. ss. 15, 16.

officer or other person on his behalf, has contracted that he should land, it shall be lawful, if such place be in a British possession, for the governor of such possession, or any person authorised by him for the purpose, and, if such place be in a foreign country, for the British consular officer at such place, to forward such passenger to his intended destination, unless the master of such ship, within forty-eight hours of the arrival of such passenger, gives to such governor or consular officer, as the case may be, a written undertaking to forward or convey, within six weeks thereafter, such passenger to his original destination, and forwards or conveys him accordingly within that period.

Where a passenger is so forwarded by or by the authority of a governor of a colony or a British consular officer, he shall not be entitled to the return of his passage money, or to any compensation for loss of passage under the provisions of this Act.

Expenses incurred in conveying wrecked passengers and forwarding passengers to be a debt due to the Crown. 26 & 27 Vict. c. 51. s. 16.

351. All expenses incurred under the provisions of this Act by or by the authority of a Secretary of State, governor of a British possession, or consular officer, in or about the rescue or conveyance of any wrecked passenger, or in or about the forwarding of any passenger to his destination, including the cost of maintaining such passenger until forwarded to his destination, and of all necessary bedding, provisions, and stores, shall become a debt to Her Majesty and her successors from the owner, charterer, and master of the ship on board of which such passenger had embarked, and shall be recoverable as a Crown debt from them, or from any one or more of them.

In any proceeding for the recovery of such debt a certificate purporting to be under the hand of any such Secretary of State, governor, or consular officer, (as the case may be,) and stating the circumstances of the case, and the total amount of such expenses, shall, unless the contrary be proved, be sufficient evidence of the amount of such expenses, and of the fact that the same were duly incurred.

Provided that the sum recovered on account of such expenses shall not be greater than twice the total amount of passage money which the owner, charterer, or master of such emigrant ship proves to have been received by him or on his account, or to be due to and recoverable by him or on his account in respect of the whole number of passengers who have embarked in such ship.

Insurance of passage money not to be void

352. A policy of assurance effected in respect of any passage or of any passage or compensation moneys by any person by this Act made liable, in the case of an emigrant ship being wrecked or

damaged, to provide such passage or to pay such moneys as are by this Act required to be provided or paid, or in respect of any other risk under this Act, shall not be deemed to be invalid by reason of the nature of the risk or interest sought to be covered by such policy of assurance.

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on account of the nature of the risk. 18 & 19 Vict. c. 119. s. 55.

Voyages to the British Islands.

353. The master of every ship bringing passengers to the British islands from any place out of Europe, and not within the Mediterranean Sea, shall, within twenty-four hours after arrival, deliver to the emigration officer at the port of arrival a correct list, signed by such master, and specifying the name, age, and calling of every passenger embarked, and the place at which he has embarked, and showing which, if any of them, have died, with the supposed cause of death, or have been born on the voyage. Such emigration officer shall, upon receipt of such list, transmit the particulars of every such birth or death, if any, to the Registrar General of Births, Deaths, and Marriages in England, who shall file the same, and enter a copy thereof under his hand in the marine register book.

List of passengers brought to the British islands. 18 & 19 Vict. c. 119. s. 100.

Any master who fails so to deliver such list, and any person who wilfully destroys or mutilates or renders illegible any entry in any such list, shall for each offence incur a penalty not exceeding fifty pounds.

354. If any ship bringing passengers to the British islands from any place out of Europe, and not within the Mediterranean Sea, has on board a greater number of persons than is allowed by this Act in the case of ships carrying passengers from the British islands, the master of such ship shall, for each person constituting such excess, incur a penalty not exceeding ten pounds.

Penalty for having on board excessive number of persons. 18 & 19 Vict. c. 119. s. 101.

355. The master of every ship bringing any passengers other than cabin passengers to the British islands from any place out of Europe, and not within the Mediterranean Sea, shall serve out to such passengers during the voyage, including the time of detention, if any, at any place before the termination thereof, issues of pure water and of good and wholesome provisions in a sweet condition, in quantities not less than the amount required by this Act in the case of emigrant passengers. In case of non-compliance with any of the requirements of this section the master of such ship shall for each offence incur a penalty not exceeding fifty pounds.

Provisions and water in ships carrying passengers to the British islands. 18 & 19 Vict. c. 119. s. 102.

Saving of Passengers Rights.

356. Nothing in this Act shall take away or abridge any right of action which may accrue to any passenger in any ship, or to any

Passengers right of action saved.

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18 & 19 Vict. c. 119. s. 58.

other person, in respect of the breach or nonperformance of any contract made or entered into between or on behalf of any such passenger or other person, and the master, charterer, or owner of any such ship, or his or their agent, or any passage broker.

Passage Brokers.

Passage brokers to enter into bond and obtain license. 18 & 19 Vict. c. 119. s. 66.

357. No person shall act directly or indirectly as a passage broker, unless he—

(1.) Has entered, with two good and sufficient sureties approved by the emigration officer nearest to his place of business, into a joint and several bond, according to the form prescribed by the Emigration Commissioners, in the sum of one thousand pounds, to Her Majesty, her heirs and successors; and

(2.) Holds a valid license to sell or let passages.

Such bond shall be renewed on each occasion of obtaining a license, and shall be executed in duplicate; one part thereof shall be deposited at the office of the Emigration Commissioners in London, and the other part with the emigration officer at the port nearest to the place of business of the principal obligor.

The emigration officer may, in lieu of two securities, accept the bond of any guarantee society which has been approved by the Commissioners of Her Majesty's Treasury.

Provided that a passage broker who is a sworn broker of the city of London shall not be required to enter into such bond as aforesaid.

There shall be exempted from the operation of this section—

(1.) The Emigration Commissioners, and any person contracting with them or acting under their authority; and

(2.) Any agent of a passage broker duly appointed in manner by this Act prescribed.

Any person who fails to comply with any of the requirements of this section shall for each offence incur a penalty not exceeding fifty pounds.

Notice of intended application for license. 18 & 19 Vict. c. 119. s. 67.

358. Every applicant for a license to act as passage broker shall give to the Emigration Commissioners fourteen clear days notice in the form prescribed by them of his intention to make such application.

Granting of licenses to passage brokers. 18 & 19 Vict. c. 119. s. 67.

359. Application for a license to act as passage broker shall be made in England and Ireland to the justices at the petty sessions held for the district or place in which the applicant has his place of business, and in Scotland to the sheriff or sheriff substitute of the corresponding county.

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Such justices, sheriff or sheriff substitute, shall have power to grant such license, which shall be in the form prescribed by the Emigration Commissioners, and shall, unless forfeited, remain in force until the thirty-first day of December in the year in which the same is granted, and for thirty-one days afterwards.

Such license shall not be granted until the applicant has shown to the satisfaction of the licensing authority—

(1.) That he either is a sworn broker of the city of London, or has entered into such bond as is by this Act required, and has deposited one part of such bond at the office in London of the Emigration Commissioners ; and

(2.) That he has given such notice to the Emigration Commissioners of his intention to apply for such license as is by this Act required.

Upon granting such license, the licensing authority shall forthwith send to the Emigration Commissioners a notice thereof in the form prescribed by them.

Forfeiture of license. 18 & 19 Vict. c. 119. s. 67.

360. Any court that has authority to adjudicate on any offence under this Act, or on any breach or nonperformance of the requirements thereof, shall have power to hear and determine any complaint of fraud or misconduct against a passage broker or his agent, and, in addition to any other penalty imposed by this Act, to order that the license of a passage broker, or the appointment of an agent to a passage broker, be forfeited, and the same shall be forfeited accordingly.

Upon making any such order, the court shall forthwith send to the Emigration Commissioners a notice thereof in the form prescribed by them.

Passage brokers may appoint agents. 18 & 19 Vict. c. 119. ss. 66, 69.

361. A licensed passage broker may appoint persons to act as his agents. Such appointment shall be made in the form prescribed by the Emigration Commissioners, and shall be signed by the passage broker making the appointment, and countersigned, if approved, by the emigration officer at the port nearest to the place of business of the agent appointed thereunder.

A passage broker shall not employ any person as an agent in his business of passage broker unless he be so appointed.

Every agent so appointed shall, upon request, produce his appointment to any emigration officer, or to any person treating for a passage under this Act.

The acts and defaults of a passage broker's agent shall, for the purposes of this Act, be deemed to be also the acts and defaults of the passage broker by whom he is appointed.

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No person shall act or assume to act as an agent for a passage broker without having been appointed in manner provided by this Act.

Any person who fails to comply with any of the requirements of this section shall for each offence incur a penalty not exceeding fifty pounds.

List of agents and runners to be exhibited by brokers, and sent to emigration officers. 18 & 19 Vict. c. 119. s. 81.

362. Every passage broker shall exhibit and keep constantly exhibited in some conspicuous place in his office or place of business a correct list, in plain and legible characters, containing the names and addresses in full of every person for the time being authorised to act as his agent or as an emigrant runner for him, and shall on or before the fifth day, or, if that day be a Sunday, on or before the fourth day in every month, transmit a true copy of such list, signed by him, to the emigration officer stationed nearest to his place of business, and shall report to such emigration officer every discharge or fresh engagement of an agent or of an emigrant runner within twenty-four hours of the same taking place. Any passage broker who fails to comply with any of the requirements of this section shall for each offence incur a penalty not exceeding five pounds.

Passage brokers not to sell or let passages without authority of owner or charterer.

363. A passage broker or passage broker's agent shall not sell or let, or agree to sell or let a passage in any ship without a written authority for that purpose from the owner or charterer of such ship. Any person who fails to comply with the requirements of this section shall for each offence incur a penalty not exceeding fifty pounds.

Emigrant Runners.

Emigrant runners to obtain licenses. 18 & 19 Vict. c. 119. ss. 76, 77.

364. Any person who wishes to act as an emigrant runner may apply for a license in England or Ireland to the justices of the peace at any petty sessions held for the district or place in which he wishes to act, and in Scotland to the sheriff or sheriff substitute of the corresponding county, and upon making such application shall produce a recommendation in writing, signed by the passage broker or brokers for whom he is to act, and countersigned by the emigration officer of the port or place within which he is to act, or if there be no such emigration officer, by the chief constable or other chief officer of police in such district, place, or county.

Upon receiving such recommendation (but not otherwise), such justices, sheriff or sheriff substitute, may grant to the applicant a license to act as emigrant runner. Such license shall be in the form prescribed by the Emigration Commissioners, and shall, unless forfeited, remain in force until the thirty-first day of December in the year in which it is granted, and for thirty-one days afterwards.

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Emigrant runners to be registered, and obtain and wear badges. 18 & 19 Vict. c. 119. ss. 75, 76, 77.

365. Every emigrant runner shall, within forty-eight hours after receiving such license, lodge the same with the emigration officer of the port or place within which he is licensed to act, who shall—

(1.) Register the name and abode of such runner in a book to be kept for the purpose, and number each name in arithmetical order; and

(2.) Upon receipt of a fee, not exceeding seven shillings, supply to such runner a badge of such form and description as may from time to time be approved by the Emigration Commissioners.

Every emigrant runner, whilst acting as such, shall wear his badge in a conspicuous place on his breast.

Renewal of license. 18 & 19 Vict. c. 119. s. 77.

366. Upon the renewal of an emigrant runner's license, the emigration officer shall note the renewal and its date in his registry book against the original entry of such runner's name.

Renewal of badge. 18 & 19 Vict. c. 119. s. 79.

367. An emigration officer may, if he think fit, upon payment to him of five shillings, and upon being satisfied that the original badge granted to an emigrant runner is lost, or upon having such badge delivered up to him in a mutilated or defaced state, grant a new badge to any emigrant runner licensed to act within the port or place at which such officer is stationed.

When an emigrant runner changes his abode, the emigration officer shall register such change in his registry book.

Forfeiture of emigrant runner's license. 18 & 19 Vict. c. 119. s. 77.

368. Any justice of the peace may, on proof that an emigrant runner has misconducted himself, order that his license be forfeited, and the same shall be forfeited accordingly.

Penalties on persons acting without license or badge, using badge not lawfully issued, or employing unlicensed person. 18 & 19 Vict. c. 119. ss. 75, 78.

369. Any person who—

(1.) Acts as an emigrant runner without having been duly licensed and registered;

(2.) Whilst so acting omits to wear his badge in the manner by this Act required;

(3.) Retains or uses any emigrant runner's badge not issued to such person in the manner by this Act required;

(4.) Counterfeits or forges any emigrant runner's badge; or

(5.) Employs as an emigrant runner any person not duly licensed and registered,

shall for each offence incur a penalty not exceeding five pounds.

Penalties on emigrant runners for certain acts of misconduct.

370. Any emigrant runner who—

(1.) Does not within forty-eight hours after obtaining his license lodge the same with the emigration officer of the port or place within which he is licensed to act;

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18 & 19 Vict. c. 119. s. 78.

(2.) Does not within forty-eight hours after changing his abode give notice to such emigration officer of such change;

(3.) Does not within forty-eight hours after losing his badge give notice to such emigration officer of such loss;

(4.) Fails to produce, on demand, his badge for inspection, or to permit any person to take the number thereof;

(5.) Mutilates or defaces his badge;

(6.) Wears his badge while unlicensed;

(7.) Wears any other badge than that delivered to him by the emigration officer; or

(8.) Permits any other person to use his badge,

shall for each offence be liable to a penalty not exceeding forty shillings, and, if the court think fit, to the forfeiture of his license.

Emigrant runners commission.

18 & 19 Vict. c. 119. s. 80.

371. An emigrant runner shall not be entitled to recover from any passage broker any fee, commission, or reward for or in consideration of any service connected with emigration, unless he be acting under the written authority of such passage broker.

Emigrant runners not to take fees from emigrants.

18 & 19 Vict. c. 119. s. 73.

372. An emigrant runner shall not take or demand from any person about to emigrate any fee or reward for the procuring of his passage, or in any way relating thereto. Any emigrant runner offending against this section shall for each offence incur a penalty not exceeding five pounds.

Penalty on persons fraudulently inducing others to engage passages.

18 & 19 Vict. c. 119. s. 70.

373. Any person who by any fraud or false representation induces or attempts to induce any person to engage a passage in any ship, shall for each offence incur a penalty not exceeding twenty pounds.

Emigration Commissioners and Emigration Officers.

Appointment and title of Emigration Commissioners.

18 & 19 Vict. c. 119. s. 6.

374. It shall be lawful for Her Majesty from time to time to appoint persons, to hold office during Her Majesty's pleasure, for the purpose of carrying this Act into execution. Such persons are in this Act referred to as and may be described by the official title of the Emigration Commissioners.

Actions and suits by and against Emigration Commissioners.

18 & 19 Vict. c. 119. s. 7.

375. The Emigration Commissioners for the time being may sue and be sued in the name of their secretary or assistant secretary, or of any one of the commissioners, and any proceeding taken by or against them shall not abate or be discontinued by the death or removal of such secretary, assistant secretary, or commissioner, but the secretary or assistant secretary for the time being, or any one of the commissioners, shall always be deemed to be the plaintiff or defendant (as the case may be) in such proceeding: Provided always, that the commissioners and their secretary or assistant

secretary and the emigration officers in this Act mentioned respectively, shall in no case be personally liable, nor shall the private estate and effects of any of them be liable, for the payment of any moneys or costs or otherwise in respect of any contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable proceedings taken against them or any of them, or for any act, deed, or matter done or executed by them or any of them in their or his official capacity and on the public service.

Appointment of emigration officers and assistants. 18 & 19 Vict. c. 119. s. 8.

376. In the British islands the Emigration Commissioners, with the sanction of one of Her Majesty's Principal Secretaries of State, and in any colony, subject to any Order in Council made under this Act, the governor of such colony may from time to time appoint and remove such emigration officers and assistant emigration officers as they may think necessary for the purpose of carrying this Act into execution, under the direction of such commissioners or governor, as the case may be.

Powers of emigration officers.

377. For the purposes of this Act every emigration officer shall have the same powers as a surveyor appointed by the Board of Trade.

Duties of emigration officer may be performed by his assistant or by officer of customs. 17 & 18 Vict. c. 119. s. 9.

378. All powers, functions, and duties to be exercised or performed by any emigration officer may be exercised and performed by his assistant, or, at any port where there is no emigration officer or assistant, or in their absence, by the chief officer of customs for the time being at such port.

Legal Proceedings.

Passage and subsistence money, compensation and damages, how to be sued for. 18 & 19 Vict. c. 119. s. 84.

379. All sums of money by this Act made recoverable in respect of passage money, subsistence money, damages, or compensation may be sued for and recovered by any passenger entitled thereto under this Act, or by any person by this Act authorised to sue for penalties or forfeitures on behalf of any such passenger and any number of such passengers respectively, and in any case either by one or several proceedings.

Penalties, how to be sued for. 18 & 19 Vict. c. 119. s. 84.

380. All penalties and forfeitures imposed by this Act for any offence connected with emigration or with emigrant ships shall be sued for by the following persons only; that is to say,

(1.) Any emigration officer or his assistant;

(2.) Any collector or comptroller of Her Majesty's customs;

(3.) Any other officer of Her Majesty's Customs authorised thereto in writing by the Commissioners of Her Majesty's Customs;

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(4.) In the British islands, any person authorised thereto by the Emigration Commissioners, under the hand of any two of them;

(5.) In a colony any person authorised thereto by writing under the hand and seal of the governor of such colony.

The Emigration Commissioners, Commissioners of Her Majesty's Customs, and every such governor, are hereby respectively empowered to grant such authority.

Emigration officers may conduct cases.

381. Any emigration officer may, in any legal or other proceeding instituted under this Act, act as counsel, solicitor, attorney-at-law, advocate, writer to the signet, or agent in the prosecution, conduct, or defence of any such proceeding in any court, jurisdiction, or place in which the same may be instituted.

In the absence of agreement to the contrary, the owner to be responsible in respect of default. 18 & 19 Vict. c. 119. s. 65.

382. In the absence of any agreement to the contrary, the owner of an emigrant ship or short ship shall be the party ultimately responsible as between himself and the other persons by this Act made liable in respect of any default in complying with the requirements thereof; and if any such person pay any money by this Act made payable to or on behalf of any passenger he shall be entitled, in the absence of any such agreement as aforesaid, to sue for and recover from the owner the amount so paid, together with costs of suit.

Forms and Instruments.

Documents to be in prescribed forms.

383. The several documents and instruments specified in the eighth schedule to this Act shall be in such forms as are from time to time prescribed by the Emigration Commissioners.

Emigration Commissioners may issue forms. See 18 & 19 Vict. c. 119. s. 83.

384. The Emigration Commissioners may from time to time issue forms of applications for passages, books, instruments, embarkation orders, and papers connected with emigration carried on through their assistance or intervention; and every form, book, instrument, embarkation order, and paper purporting to be issued by the Emigration Commissioners shall be deemed to be issued by them, unless the contrary is shown.

Unlawfully supplying documents.

385. Any person who—

(1.) Falsely represents himself to be or falsely assumes to act as the agent of the Emigration Commissioners;

(2.) Sells or supplies or offers for sale any document or instrument purporting to be in a form prescribed by the Emigration Commissioners which is not so prescribed; or

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(3.) Sells or supplies or offers for sale any document issued or purporting to be issued by the Emigration Commissioners, without being duly authorised by them so to do;

shall for each offence incur a penalty not exceeding fifty pounds.

Forgery and false Declarations.

Forgery of documents and marks. See 17 & 18 Vict. c. 104. s. 320.

386. Every person who forges, or fraudulently alters, or knowingly makes any false entry in, or fraudulently omits to make any entry in any of the following documents; viz.,—

(1.) Any declaration of survey under this Act:

(2.) Any certificate of survey under this Act:

(3.) Any bond required by this Act to be given by the master of an emigrant ship:

(4.) Any list of passengers by this Act required to be made:

(5.) Any certificate of clearance:

(6.) Any passenger's contract ticket:

(7.) Any bond required by this Act to be given by a passage broker:

(8.) Any passage broker's license:

(9.) Any emigrant runner's license:

(10.) Any form issued by the Board of Trade or Emigration Commissioners under this Act, or any seal or other distinguishing mark affixed to such form: or

(11.) Any form of application, certificate, or other document used in making or supporting any application made to the Emigration Commissioners by persons desirous of emigrating by their assistance:

And every person who knowingly utters or uses any such document or mark which has been forged or fraudulently altered, or any such document in which any false entry has been made, or from which any entry has been fraudulently omitted:

And every person who personates any person named in any document used in making or supporting any such application as aforesaid:

Shall be guilty of a misdemeanor.

False declarations. 17 & 18 Vict. c. 104. s. 320.

387. Every person who on the occasion of the survey of any ship under this Act makes any declaration, representation, or statement, or gives any evidence which is false in any particular, shall be guilty of a misdemeanor.

Stamps.

Exemption of instruments from stamp duty.

388. The following instruments shall be exempt from stamp duty:—

(1.) Instruments used by or under the direction of the Board of Trade in executing this Act:

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17 & 18 Vict. c. 104. s. 9. 18 & 19 Vict. c. 119. ss. 63, 67, 71.

(2.) Instruments required by this Act to be made in forms prescribed or approved by the Board of Trade if made in such forms:

(3.) Passengers contract tickets made in the form required by this Act; and

(4.) The bonds by this Act required to be entered into by masters of emigrant ships and passage brokers.

Miscellaneous.

Computation of voyages. 18 & 19 Vict. c. 119. s. 30.

389. For the purposes of this Act, the length of the voyage for an emigrant ship proceeding from the British islands to the places specified in the ninth schedule to this Act shall be determined by the scale contained in the said schedule.

The Emigration Commissioners, by and with the authority of one of Her Majesty's Principal Secretaries of State, may from time to time, by notice in writing, issued under the hands of any two of such commissioners, and published in the London Gazette, alter or add to the said scale.

Abstracts of Act to be posted in passenger ships. 18 & 19 Vict. c. 119. s. 61.

390. The Emigration Commissioners shall from time to time prepare such abstracts as they may think proper of the whole or any part of this Act, and of any Order in Council by this Act authorised to be made. Four copies of such abstracts, together with a copy of this Act, shall, on demand, be supplied by the principal officer of customs at the port of clearance to the master of every emigrant ship. The master shall, on request, produce a copy of this Act to any passenger, for his perusal, and shall, before the embarkation of the passengers, cause copies of such abstracts to be put up in at least two conspicuous places between the decks on which passengers are carried, so as to be legible to all persons on board, and to be kept so put up and legible, and without alteration or obliteration, so long as any passenger is entitled to remain in the ship.

In case of non-compliance with any of the requirements of this section, the master shall, unless he can shew that such non-compliance was not owing to any fault on his part, incur a penalty not exceeding forty shillings for every day during which such non-compliance exists.

Every person who pulls down, injures, alters, obliterates, or defaces any copy of such abstracts so put up shall incur a penalty not exceeding forty shillings. The court may direct any portion not exceeding one half of a penalty inflicted under this section to be paid to the informer.

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Power to harbour authority to frame bye-laws. 18 & 19 Vict. c. 119. s. 82.

391. The harbour authority at any port within the British islands from which emigrant ships are despatched, may from time to time by byelaws made under this Act, make such regulations as may be necessary for the following purposes; (that is to say,)

(1.) For specifying the docks, basins, or other places at which persons arriving by sea at such ports for the purpose of emigration, or actually emigrating therefrom, shall be landed and embarked:

(2.) For regulating, with the approval of the emigration officer at the port, the mode of the landing and embarkation of emigrants or intending emigrants:

(3.) For the storing and safe custody of their luggage, subject to the like approval:

(4.) For licensing porters to carry their luggage or otherwise attend upon them:

(5.) For admitting persons to and excluding persons from such docks and basins.

Any such harbour authority may, by their officers or servants, without warrant, arrest any person charged with the breach of any such byelaw, and detain him until he can be brought before a court of summary jurisdiction.

A byelaw made under this section shall not take effect until it has been approved by the Emigration Commissioners.

Application of Act.

Act not to apply to H. M.'s ships or ships engaged in certain fisheries. 18 & 19 Vict. c. 119. s. 4.

392. This Act shall not apply to Her Majesty's ships or to ships engaged in the Labrador or Newfoundland fisheries.

Foreign passenger steamers plying in United Kingdom.

393. All foreign steam ships carrying passengers between places in the United Kingdom shall, for the purposes of this Act, be treated as if they were British passenger steamers.

Foreign ships taking passengers from British islands.

394. Every ship which, having proceeded from a foreign port, takes on board at any port in the British islands such number of passengers, whether British subjects or foreigners resident in the British islands, as would, either with or without the passengers which she already has on board, constitute her an emigrant ship within the meaning of this Act, shall, for the purposes of this Act, be treated as if she were an emigrant ship.

Limited application of Act to colonial voyages. 18 & 19 Vict. c. 119. s. 96.

395. This Act shall apply to every ship carrying passengers on a colonial voyage, except as to the sections of this Act relating to the following matters; (that is to say,)

(1.) Survey of passenger steamers;

(2.) Keeping order in passenger steamers;

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(3.) Master's bond;
(4.) Passengers contracts;
(5.) Passage brokers;
(6.) Emigrant runners; and
(7.) Miscellaneous.

And in the case of a colonial voyage of which the duration (as determined under this Act) is less than three weeks, except also as to the following sections; (that is to say,)

(1.) Accommodation for passengers;
(2.) Manning and staff; and
(3.) Maintenance after arrival.

And, for the purposes of this Act, ships proceeding on colonial voyages shall be deemed emigrant ships and short ships respectively, according to the number of passengers which they carry, in the same manner as if they were proceeding on voyages from the British islands.

Power for governor of colony to modify certain provisions of Act.
18 & 19 Vict. c. 119. s. 97.

396. It shall be lawful for the governor of any colony, by proclamation,—

(1.) To determine what shall be deemed for the purposes of this Act to be the length of the voyage of any ship carrying passengers from any place in such colony to any other place:

(2.) To fix a scale of diet for the use of the passengers during such voyage:

(3.) To declare what medicines, medical comforts, anti-scorbutics, disinfectants, books, instruments, and other articles shall be deemed necessary for the medical treatment of the passengers during such voyage.

Every such proclamation shall take effect from the issuing thereof, and its provisions and requirements shall be enforced throughout Her Majesty's dominions in the same manner as if they were incorporated in this Act.

Application of Act to India.

Power for legislature of India to apply this Act and to make Acts and Ordinances.
18 & 19 Vict. c. 119. s. 99.

397. It shall be lawful for the legislature of India, by any Act or Ordinance, to declare that this Act, or any part thereof, shall apply to the carriage of passengers upon any voyage from any specified place in India to any other specified place whatsoever; and also in like manner—

(1.) To authorise the substitution, as respects such voyages, of other articles of food and provisions for those in this Act enumerated:

(2.) To determine what shall be deemed for the purpose of this Act to be the length of any such voyage:

(3.) To determine the persons or officers who in India shall be entitled to exercise or perform the powers, functions, or duties by this Act given to or imposed upon emigration officers and officers of customs in the British islands:

(4.) To declare for the purposes of this Act the space necessary for passengers, and the age at which two children shall be considered equal to one statute adult, in ships clearing out from any place in India:

(5.) To declare in what manner and by whom and before what authorities and by what form of procedure the penalties imposed, and the sums of money made recoverable by this Act, shall be sued for and recovered in India.

On the passing of such Act or Ordinance, and whilst the same remains in force, all such parts of this Act as are adopted therein shall apply to the carriage of passengers upon such voyages as are therein specified, and the provisions of such Act or Ordinance shall be enforced throughout Her Majesty's dominions:

Provided that every such Act or Ordinance shall be of no effect under this section unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in India.

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SCHEDULES TO PASSENGERS ACT.

FIRST SCHEDULE.

Table of fees to be paid on application for survey.

	£	s.	d.
For passenger steam ships not exceeding 25 tons net register -	3	0	0
Exceeding 25 tons net register and not exceeding 100 tons -	5	0	0
Exceeding 100 tons and not exceeding 300 tons - - -	6	0	0
Exceeding 300 tons and not exceeding 600 tons - - -	8	0	0
Exceeding 600 tons and not exceeding 1,000 tons - - -	10	0	0
For every 100 tons net register above 1,000 tons - - -	0	10	0

An addition not exceeding 25 per cent. may be made where the surveyor is called upon to attend out of office hours, such hours to be determined by the Board of Trade.

The above fees shall be paid to the superintendent of a mercantile marine office, or otherwise, as the Board of Trade direct.

SECOND SCHEDULE.

Contents of declaration. 17 & 18 Vict. c. 104.

The declaration of survey shall contain statements of the following particulars:

(1.) As to the hull, machinery, tackle, apparel, and equipments of the ship, whether the same are sufficient for the service intended, and in good condition:

(2.) As to the marking of the draught of water on the stem and stern of the ship, whether the same is correct or legible:

(3.) As to the lights, signals, compasses, shelter for deck passengers, valves, pumps, and fire hose, whether the same are such, and in such condition, as required by this Act:

(4.) The time (if less than twelve months) for which the hull, machinery, or equipments, as the case may be, will be sufficient:

(5.) The limits (if any) beyond which, as regards the hull, machinery, and equipments, or any of them, the ship is not fit to ply:

(6.) As to the certificates of the master, mate or mates, engineer or engineers, whether the same are such, and in such condition, as is required by the Merchant Shipping Code (Masters and Seamen) Act, 1871.

(7.) The number of passengers which the ship is fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins;

and such number shall be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, and other circumstances, as the Board of Trade may require:

(8.) The limit of the weight to be placed on the safety valve.

THIRD SCHEDULE.

Regulations as to the Equipment of Emigrant Ships.

Every emigrant ship shall carry throughout the voyage a number of boats according to the following scale:

The boats shall be carried in such manner as to be, in the opinion of the emigration officer, most available for immediate service. Each boat shall be seaworthy, and properly supplied with all requisites, and kept clear at all times for immediate use at sea.

Every emigrant ship shall also be provided with the following articles; that is to say,

Two chronometers:
Three steering compasses, and one azimuth compass:
Four properly fitted life buoys:
Night and fog signals, rockets, and blue lights:
Two fire engines, one fixed and the other moveable:
Three bower anchors and cables.
Three safety lamps, and at least two additional safety lamps for every one hundred statute adults over one hundred:

All such articles shall be of such description as may be approved by the emigration officer at the port of clearance.

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FOURTH SCHEDULE.

Regulations as to the Accommodation of Emigrant Passengers on Emigrant Ships.

N.B.—These regulations apply only to emigrant passengers.

Passengers, where to be carried.

No ship shall carry passengers on more than two decks, and then only subject to the following regulations; that is to say,

(1.) Passengers may be carried in deck houses, round houses, poops, cabins, or other permanent erections or covered-in spaces on the uppermost deck;

(2.) Passengers may also be carried on the deck immediately below the uppermost deck;

(3.) Passengers may be carried on the third deck from above when they are also carried either on the uppermost deck or on the deck immediately below the uppermost deck, but not when they are carried both on the uppermost deck and on the deck immediately below it;

(4.) Passengers may be carried on the fourth deck from above when they are also carried on not more than one of the decks above the fourth deck, but not when they are also carried on more than one of such decks;

(5.) Passengers shall not be carried on any temporary deck, in any temporary erection on the uppermost deck, on an orlop deck, or on any deck or in any space below the fourth deck from above:

Provided that sick persons may be carried in a hospital under the poop or in a sick house, notwithstanding that passengers are carried on two other decks.

Number of passengers.

There shall not be carried on the uppermost deck, or on the deck immediately below the uppermost deck, a greater number of passengers than in the proportion of one statute adult to every fifteen clear superficial feet of deck allotted to their use.

There shall not be carried on the third or on the fourth deck from above a greater number of passengers than in the proportion of one statute adult to every eighteen clear superficial feet of deck allotted to their use.

Provided, that if the height between the third or fourth deck from above and the deck immediately above it is less than seven feet, or if the apertures (exclusive of side scuttles) through which light and air are admitted together to such third or fourth deck are less in size than in the proportion of three square feet to every one hundred superficial feet of such deck, no greater number of passengers shall be carried on such deck than in the proportion of one statute adult to every twenty-five clear superficial feet thereof.

No ship, whatever be her tonnage or superficial space of decks, shall carry a greater number of passengers on the whole than in the proportion of one statute adult to every five superficial feet, clear for exercise, on the uppermost deck or poop, or on any round house or deck house which is secured and fitted

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on the top with a railing or guard to the satisfaction of the emigration officer at the port of clearance.

Construction of passenger decks.

The beams supporting the decks on which passengers are carried shall form part of the permanent structure of the ship. They shall be of adequate strength in the judgment of the emigration officer at the port of clearance, and shall be firmly secured to the ship to his satisfaction.

The decks on which any passengers are carried shall be at least one inch and a half thick, and shall be laid and firmly fastened on the beams continuously from side to side of the compartment in which the passengers are berthed.

The height between that part of any deck on which passengers are carried and the deck immediately above it shall not be less than six feet.

Berths.

There shall not be more than two tiers of berths on any one deck. The interval between the lowest tier of berths and the deck immediately beneath it shall not be less than six inches. The interval between each tier of berths and between the uppermost tier and the deck above it shall not be less than two feet six inches.

Contiguous berths shall be separated by a board not less than one foot in height.

The berths shall be securely constructed and of dimensions not less than six feet in length and eighteen inches in breadth for each statute adult, and shall be sufficient in number for the proper accommodation of all the emigrant passengers contained in the lists of passengers by this Act required to be delivered by the master of the ship.

No part of any berth shall be placed within eighteen inches of any water-closet erected in the between-decks.

There shall be a clear space, of sufficient dimensions in the judgment of the emigration officer at the port of clearance, for the erection of mess tables and benches for the use of the passengers, and no berth shall be erected within such space.

Unless the ship is fitted with berths in enclosed rooms, each deck on which passengers are carried shall be divided into at least three distinct compartments, separated by a substantial and well secured bulkhead, with an open space for ventilation of not more than nine inches between the top of the bulkhead and the deck above. One of such compartments shall be occupied by male passengers of fourteen years and upwards unaccompanied by their wives; another shall be occupied by married couples or widows and their children under fourteen years of age, and the remaining apartment shall be set apart for the exclusive use of unmarried females of the age of fourteen years and upwards: Provided that, if the master of the ship sees no objection, married couples may have their female children over fourteen years of age berthed in the married couples compartment. Not more than one passenger, except in the case of husband and wife, or of children under twelve years of age, shall be placed in or occupy the same berth.

No berths occupied by passengers during the voyage shall be taken down until twenty-four hours after the arrival of the ship at the port of final discharge,

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unless all the passengers have voluntarily quitted the ship before the expiration of that time.

Hospitals.

Separate hospitals, securely built, ventilated, and lighted to the satisfaction of the emigration officer at the port of clearance, shall be set apart for the exclusive use of sick male and female passengers respectively. Such hospitals shall be placed on the uppermost deck or on the deck immediately below it, and on no other deck; shall contain not less than eighteen clear superficial feet for every fifty statute adults whom the ship may lawfully carry; and shall be fitted with bed-places, and supplied with proper beds, bedding, and utensils to the satisfaction of such emigration officer, and shall throughout the voyage be kept so fitted and supplied.

Privies.

Every emigrant ship shall be fitted, to the satisfaction of the emigration officer at the port of clearance, with urinals, and with privies or water-closets for the use of the passengers of each sex, in such situations and in such numbers as such emigration officer may direct. All such privies and water-closets shall be firmly constructed and maintained in a serviceable and cleanly condition throughout the voyage, and shall be kept standing and in good order for twenty-four hours after the arrival of the ship at the final port of discharge in sufficient number to accommodate the passengers remaining on board.

Light and ventilation.

Every emigrant ship shall be supplied with such provision for affording light and air to the decks on which passengers are carried as the circumstances of the case may, in the judgment of the emigration officer at the port of clearance, require, and shall be supplied with an adequate and proper ventilating apparatus, to be approved by such emigration officer and fitted to his satisfaction.

Hatchways.

The passengers shall have the free and unimpeded use of the whole of each hatchway situated over the space appropriated to them, and over each such hatchway there shall be erected such a boobyhatch or other substantial covering as will, in the opinion of such emigration officer, afford the greatest amount of light and air, and of protection from wet, which the case will admit.

Stowage of goods.

No part of the cargo or of the passengers luggage, or of the provisions, water, or stores, whether for the use of the passengers or of the crew, shall be carried on the uppermost deck or on any deck on which passengers are carried, unless in the opinion of the emigration officer at the port of clearance it is so placed as not to impede light or ventilation, or to interfere with the comfort of the passengers, nor unless the same is stowed and secured to the satisfaction of such emigration officer. The space occupied by such cargo, provisions, water, and stores, or rendered in the opinion of such officer unavailable for the accommodation of the passengers, but not the space occupied by the passengers luggage, shall be deducted in calculating the space by which under the provisions of this Act the number of passengers is regulated.

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FIFTH SCHEDULE.

Regulations as to Provisions, Water, and Medical Comforts.

N.B.—The regulations contained in this schedule apply only to emigrant passengers.

Water Casks.

Water casks shall be sweet and tight, of sufficient strength, and, if of wood, properly charred inside, and shall not be capable of containing more than three hundred gallons each. The staves of the water casks shall be made of white oak, and the capacity in gallons shall be marked on the bung stave.

Distilling Apparatus.

(1.) The distilling apparatus shall be of a description sanctioned by any Order in Council, already made or hereafter to be made, for that purpose, or, in the case of ships wholly propelled by machinery of not less power than is sufficient without the aid of sails to propel them at the rate of seven statute miles an hour, shall be approved by the emigration officer at the port of clearance.

(2.) The apparatus shall be capable of producing as many imperial gallons of pure and wholesome water per day as there are persons on board the ship.

(3.) There shall be lodged with such emigration officer a certificate from a surveyor appointed by the Board of Trade or from some competent person to be named by such emigration officer declaring that within seven days immediately preceding the date of such certificate the apparatus has been examined by him, and found to be in good working condition, and stating the number of imperial gallons of pure fresh water which it is capable of producing every twenty-four hours.

(4.) There shall be rated on the ship's articles and shall proceed in the ship some person or persons shown to the satisfaction of such emigration officer to be competent to manage and repair such apparatus.

(5.) There shall be on board a sufficient supply of proper fuel for working the apparatus during the voyage.

Water and Provisions.

Water and provisions shall be issued to the passengers according to the following scales; that is to say,

Water.

Three quarts daily to each statute adult, together with an adequate supply for tea, coffee, and for cooking purposes.

Provisions.

Weekly, per statute adult:—

	lbs.	ozs.
Soft white bread, not inferior to best seconds - - -	5	0
or		
Biscuit, not inferior to navy biscuit - - - -	3	8

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	lbs.	ozs.
Wheaten flour	1	0
Oatmeal	1	8
Rice	1	8
Peas, beans, sauer kraut, or pearl barley	1	8
Beef, exclusive of bone	1	4*
Pork or bacon, exclusive of bone	1	0*
Butter	0	8
Potatoes	4	0
Sugar	1	0
do. for lime or lemon juice when issued	0	1¾
Tea	0	2
Salt	0	2
Mustard	0	½
Pepper (white or black), ground	0	¼
Vinegar	One gill.	
Lime or lemon juice to be issued after the passengers have subsisted ten days on salt meat	One gill.	

* Or an additional ¼ lb. if bone be included.

For voyages exceeding 84 days for sailing vessels or exceeding 50 days for steamers there shall be issued weekly per statute adult in addition to the above articles the following articles:—

Additions for long voyages.

	lb.	ozs.
Preserved meat	1	0
Suet	0	6
Raisins	0	8

Substitutions.

Substitutions at the following rates may, at the option of the master of any emigrant ship, be made in the above dietary scales, as follows; that is to say,

1 lb. of preserved meat	for	1 lb. of salt pork or beef.
1 lb. of flour or of bread or biscuit, or ½ lb. of beef or of pork	for	1¼ lb. of oatmeal, or 1 lb. of rice, or 1 lb. of peas.
1 lb. of rice	for	1¼ lb. of oatmeal, or vice versâ.
6 oz. (weekly) of cheese	for	4 oz. of butter.
¼ lb. of preserved potatoes	for	1 lb. of potatoes.
10 oz. of currants	for	8 oz. of raisins.
3½ oz. of cocoa or of coffee, roasted and ground	for	2 oz. of tea.
¾ lb. of treacle	for	½ lb. of sugar.
1 gill of mixed pickles	for	1 gill of vinegar.

Provided that the substituted articles are set forth in the contract tickets of the passengers.

Food for Infants.

There shall also be provided for infants a supply of the following articles; that is to say,

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Not less than 1 pound extract of meat, 4 pounds preserved meat, 2 pounds concentrated milk, 1 pound arrowroot, 1 pound farina, 2 pounds tapioca, 2 pounds of sago, or other suitable articles to be approved by the emigration officer at the port of clearance.

Meals.

There shall be three meals daily, namely, breakfast, dinner, and supper, the dinner to be served not later than 2 p.m. The food for infants shall be properly cooked, and on the application of the parent or guardian of any infant, issued under the direction of the medical officer.

There shall be provided for the accommodation of the passengers suitable tables and benches in the space appropriated for the purpose.

Messes.

The passengers may be divided into messes, no mess to consist of more than ten statute adults. Members of the same family, whereof one at least is a male adult, shall be allowed to form a separate mess.

Water and provisions according to the above scales shall be issued daily before two o'clock in the afternoon to the head person for the time being of each mess, on behalf and for the use of the members thereof. The first of such issues shall be made before two o'clock in the afternoon of the day of embarkation to such of the passengers as are then on board. Such provisions as require to be cooked shall be issued in a properly cooked state.

Medical Comforts.

Every emigrant ship shall be supplied with medical comforts for the exclusive use of the passengers according to the following scale; that is to say,

	lbs.		lbs.
Arrowroot - -	- 7	Preserved broth in ½ lb. tins	6
Sago - - -	- 5	Preserved milk -	- 36 pints.
Tapioca - -	- 5	Port wine -	- 1 doz. quarts.
Barley - - -	- 5	Brandy -	- 1 gallon.
Loaf sugar - -	- 28	Stout -	- 6 doz. quarts.
Meat soup in ½ lb. tins -	- 6	Best yellow soap -	- 28 lbs.

SIXTH SCHEDULE.

Regulations with respect to dangerous and noxious Goods, and the Carriage of Horses and Cattle.

There shall not be carried in any emigrant ship any aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches (unless packed in tin cases), nitro-glycerine, petroleum, or any other explosive substance which ignites by friction, or any woollen or cotton rags, or any guano, or (unless packed in air-tight tanks or casks) any green or salted hides, or any other article or number of articles, which, by reason of the nature or quantity, or mode of stowage thereof, may, either singly or collectively, be deemed by the emigration officer at the

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port of clearance likely to endanger the health or lives of the passengers, or the safety of the ship.

Provided that any one of Her Majesty's Principal Secretaries of State may, by order under his hand, authorise the carriage as cargo in any emigrant ship (subject to such conditions and directions as may be specified in the order) of naval or military stores for the public service, and such stores may notwithstanding anything in this Act be carried accordingly in such ship.

Such order shall be addressed to the emigration officer or person performing the duties of emigration officer at the port of clearance, and shall be by him countersigned, and delivered to the master of the ship to which it refers, and shall be delivered up by the master to the chief officer of customs at the port or place where the stores are discharged.

The master shall comply with all the conditions and directions specified in the order, and non-compliance therewith shall be deemed non-compliance with the requirements of this Act.

Horses and cattle may be carried in emigrant ships, under conditions herein named.

Horses and cattle shall not be carried as cargo in emigrant ships, except on the following conditions; that is to say,

(1.) The animals shall not be carried below any deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment, except in a ship built of iron, and of which the compartments are divided off by water-tight bulkheads extending to the deck above that in which the animals are carried.

(2.) Clear space on the uppermost deck and on the deck immediately below it shall be left for the use and exercise of the passengers, at the rate of at least ten superficial feet for each statute adult:

(3.) No greater number of passengers shall be carried than in the proportion of fifteen to every one hundred tons of the ships net registered tonnage:

(4.) In emigrant ships of less than five hundred tons net registered tonnage not more than two head of large cattle shall be carried, nor in emigrant ships of larger tonnage more than one additional head of such cattle for every additional two hundred tons of the ships net registered tonnage, nor more in all in any emigrant ship than ten head of such cattle. The term "large cattle" shall include both sexes of horned cattle, deer, horses, and asses; four sheep of either sex, or four female goats, shall be equivalent to, and may, subject to the same conditions, be carried in lieu of one head of large cattle:

Definition of the term "large cattle."

(5.) Proper arrangements shall be made, to the satisfaction of the emigration officer at the port of clearance, for the housing, maintenance, and cleanliness of the animals, and for the stowage of their fodder:

Dogs and pigs.

(6.) Not more than six dogs, and no pigs or male goats, shall be conveyed as cargo in any emigrant ship.

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SEVENTH SCHEDULE.

Regulations as to the Manning and Staff of Emigrant Ships.

Crew.

Every emigrant ship shall be manned with an efficient crew for her intended voyage, to the satisfaction of the emigration officer from whom a certificate of clearance in respect of such ship is demanded. After the crew has been passed by such emigration officer, the strength of the crew shall not be diminished nor any of the men changed without the consent in writing either of such emigration officer or of the superintendent of the mercantile marine office at the port of clearance.

Where the consent of such superintendent has been obtained, it shall, within twenty-four hours thereafter, be lodged by the master of the ship with such emigration officer.

Provided that if such emigration officer consider the crew inefficient, the owner or charterer of the ship may thereupon appeal in writing to the Emigration Commissioners, who shall, at the expense of the appellant, appoint two other emigration officers or two competent persons to examine into the matter, and the unanimous opinion of the persons so appointed, expressed under their hands, shall be conclusive on the point.

Passenger stewards.

Every emigrant ship shall carry passenger stewards in the proportion of one to every one hundred statute adults on board. The passenger stewards shall be seafaring men, who shall be rated in the ship's articles as passenger stewards, and shall be approved by the emigration officer at the port of clearance. They shall be employed, under the direction of the master or some other competent officer, in messing and serving out the provisions to the passengers, and in assisting the medical practitioner to take care of the sick and maintain cleanliness, order, and good discipline among the passengers.

Passenger cooks and cooking apparatus.

Every emigrant ship shall also carry passenger cooks in the proportion of one to every two hundred and fifty passengers on board. The passenger cooks shall be seafaring men, and shall be rated and approved as in the case of passengers stewards, and shall be employed exclusively in preparing and cooking the food of the passengers. A convenient place for cooking shall be set apart on deck; and a sufficient cooking apparatus, properly covered in and arranged, shall be provided, to the satisfaction of the emigration officer at the port of clearance, together with a proper supply of fuel adequate, in his opinion, for the intended voyage.

Interpreters.

In every foreign emigrant ship in which as many as one half of the passengers are British subjects, unless the master and officers or not less than three of them understand and speak intelligibly the English language, there shall be carried, where the number of passengers does not exceed two hundred and fifty, one person, and where it exceeds two hundred and fifty, two persons, who understand and speak intelligibly the language spoken by the master and crew and also the English language. Such persons shall act as interpreters, and be employed exclusively in attendance on the passengers; and no such ship shall clear out or proceed to sea without having such interpreter or interpreters on board.

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Except in cases of emergency no passenger steward, passenger cook, or interpreter shall be employed in navigating or working the ship.

Medical practitioners.

Every emigrant ship shall, whenever the number of ordinary passengers on board exceeds fifty, carry a duly authorised medical practitioner, who shall be rated on the ship's articles; and shall, in addition thereto, whenever the number of persons on board (including cabin passengers, officers, and crew) exceeds three hundred, carry a competent assistant to the medical practitioner, to be approved by the emigration officer at the port of clearance.

A medical practitioner shall not be considered to be duly authorised for the purpose of this Act unless—

(1.) He is authorised by law to practise as a physician, surgeon, or apothecary in some part of Her Majesty's dominions, or, in the case of a foreign ship, in the country to which such ship belongs; or, in the case of a ship proceeding on a colonial voyage, he is authorised by the governor of the colony from which the ship proceeds, to act as a medical practitioner on board ships proceeding on such voyage:

(2.) His name has been notified to the emigration officer at the port of clearance, and has not been objected to by him: and

(3.) He is provided with proper surgical instruments to the satisfaction of such officer:

Provided that when the majority of the passengers in any emigrant ship, or as many as three hundred of them, are foreigners, any medical practitioner who is approved by such emigration officer may be carried therein.

EIGHTH SCHEDULE.

Documents of which the Forms are to be prescribed by the Emigration Commissioners.

Master's bond.
Passengers lists.
Passenger's contract ticket.
Passage broker's bond.
Application for license by passage broker.
Passage broker's license.
Notice of granting of passage broker's license.
Notice of forfeiture of passage broker's license.
Appointment of passage broker's agent.
Emigrant runner's license.

NINTH SCHEDULE.

Scale of Voyages.

	If the ship be propelled by sails alone, or by steam power not sufficient, without the aid of sails, to propel the ship after the rate of seven nautical miles an hour.	If the ship be propelled by sails alone, or by steam power not sufficient, without the aid of sails, to propel the ship after the rate of five statute miles an hour.
	Days.	Days.
To North America (except the west coast thereof):—		
For ships clearing out between the sixteenth day of January and the fourteenth day of October, both days inclusive - -	70	32
For ships clearing out between the fifteenth day of October and the seventeenth day of January, both days inclusive - -	80	37
To the West Indies and any part of the east coast of Central or South America, north of the equator - - - - -	70	40
To any part of the east coast of South America lying between the equator and the twenty-fifth degree of south latitude - - -	84	50
To the west coast of Africa north of the equator	84	50
To the coast of Africa south of the equator, or to the Falkland Islands, or to any part of the east coast of South America southward of the twenty-fifth degree of south latitude - -	105	65
To the Mauritius, and to the western coast of America south of the equator - - -	126	75
To Ceylon - - - - - -	140	85
To Western Australia - - - -	120	85
To any other of the Australian colonies - -	140	90
To New Zealand and to the western coast of America between the equator and the fortieth degree of north latitude - -	150	90
To the western coast of America north of the fortieth degree of north latitude, and the islands adjacent thereto - - - -	182	96

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Prevention of Collisions.

PART IV.

Prevention of Accidents.

Preliminary.

Short title.

398. This Act may be cited as the Merchant Shipping Code (Prevention of Accidents Act), 1871.

Incorporation of certain sections of General Provisions Act.

399. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1871, relating to Legal Procedure, Orders in Council, Surveyors, and Construction.

Application and extent of Act.

400. This Act shall not, except as therein expressly provided, apply to ships belonging to Her Majesty, but, save as aforesaid, shall extend to all persons and places over whom or in which Her Majesty hath jurisdiction.

Prevention of Collisions.

Regulations to be observed by British ships and by vessels in British jurisdiction.
25 & 26 Vict. c. 63. ss. 27, 28, 29.

401. The regulations concerning the lights to be shown, the fog signals to be used, and the sailing rules to be observed, contained in the schedule to this Act (which regulations are in this Act referred to as regulations for preventing collisions), shall be observed by all British ships, including ships belonging to Her Majesty, and by all vessels, British or foreign, within British jurisdiction, whether seagoing or navigating in inland waters, and where any of the said regulations is infringed by any such vessel, unless it is shown that the circumstances of the case made such infringement necessary, the following provisions shall have effect; namely,

(1.) In case of collision, the vessel by which such regulation is infringed shall, in the absence of proof to the contrary, be deemed to be in fault:

(2.) Any damage to property or person arising from such infringement shall be deemed to have been caused by the person in charge of the deck of such vessel at the time:

(3.) The master of the vessel, if such infringement is caused by his wilful act or default, or the owner, if such infringement is caused by his wilful act or default, shall for each infringement be guilty of a misdemeanor.

Penalty for vessels not being provided with lights, &c.

402. Where any vessel, whether British or foreign, is required under the provisions of this Act to observe the regulations for preventing collision with respect to lights and fog signals, and is not provided with lights and the means of making fog signals, in conformity with such regulations, the master and also the owner

of such vessel, whether the master is in fault or not, shall, unless he can show that the failure to provide the same did not arise through his neglect or default, be deemed to be in fault, and incur a penalty not exceeding in the case of a master fifty pounds, and in the case of the owner one hundred pounds:

Provided that nothing in this section shall in any way affect any other proceeding against or liability incurred by the master or owner.

Every person, other than the owner and master, who was in fault in respect of the failure to provide the same, shall incur a penalty not exceeding one hundred pounds.

Inspection as to lights and fog signals. 25 & 26 Vict. c. 63. s. 30.

403. Any surveyor appointed by the Board of Trade may inspect any vessel, British or foreign, which is bound to obey the regulations for preventing collision with respect to lights and fog signals, for the purpose of seeing that such vessel is properly provided with lights and the means of making fog signals, in conformity with the said regulations, and shall for that purpose have with respect to such vessel all the powers given to surveyors appointed under this Act with respect to steamships.

If any such surveyor finds that any vessel is not so provided, he shall give to the master or owner, or to some agent of the owner, notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

Where any such notice of a deficiency has been given, and the vessel proceeds to sea, or on a voyage, without having remedied the same in conformity with the requisitions of the surveyor, such vessel shall be deemed not to be provided with lights and the means of making fog signals in conformity with the regulations for preventing collision.

Every notice so given shall be notified in such manner as may be prescribed by the Board of Trade to the collector of customs at any port from which such vessel, if a sea-going ship, seeks to clear, or at which her transire is to be obtained; and any collector to whom such notification is made shall detain such ship, unless a certificate under the hand of a surveyor appointed by the Board of Trade is produced, to the effect that the said ship is properly provided with lights and with the means of making fog signals, in conformity with the said regulations.

The owner of any vessel to whom notice of a deficiency has been given by a surveyor under this section shall pay for each inspection of such vessel by a surveyor subsequent to the giving of such notice, until the deficiency is made good, the prescribed fee, not exceeding one pound, and any travelling or other expenses incurred by any

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Prevention of Collisions.

surveyor in the matter, and such fee and expenses may be recovered summarily by the surveyor from the owner of such ship.

In case of collision one ship shall assist the other. 25 & 26 Vict. c. 63. s. 33.

404. In every case of collision between two vessels, whether British or foreign, it shall be the duty of the master of each vessel, if and so far as he can do so without danger to his own vessel, crew, and passengers (if any), to render to the other vessel, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision; and also to give to the master of the other vessel the name, port of registry, and official number of his own vessel, if she is a registered British ship, and, if not, her name and the name of the port or place to which she belongs.

If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wilful act, neglect, or default; and he shall be deemed guilty of a misdemeanor, and of an act of misconduct for which, if he is a certificated officer, an inquiry into his conduct may be held, and his certificate cancelled or suspended.

Collisions to be entered in official log. 17 & 18 Vict. c. 104. s. 328.

405. In every case of collision, in which it is practicable so to do, the master shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book (if any). Such entry shall be signed by the master, and also by the mate or one of the crew, and and shall be receivable in evidence, and if such entry is not made as required by this section the master shall incur a penalty not exceeding *twenty* pounds.

Application of regulations to foreign ships. 25 & 26 Vict. c. 63. s. 58.

406. Whenever it is made to appear to Her Majesty that the Government of any foreign country is willing that the regulations for preventing collision or the provisions of this Act relating to the prevention of collisions, or any of such regulations or provisions, should apply to the ships of such country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that such regulations and provisions shall, subject to any exceptions and restrictions in such Order contained, apply to the ships of the said foreign country, whether within British jurisdiction or not, and such regulations and provisions shall apply accordingly, subject to the said exceptions and restrictions.

Queen in Council may alter regulations for preventing collision.

407. Her Majesty may, from time to time, on the joint recommendation of the Admiralty and Board of Trade, by Order in Council, annul any of the regulations for preventing collision, and make new regulations in addition to or in substitution for the same or any of

them, and such new regulations shall have the same effect as if they were contained in the first schedule to this Act.

Equipments.

25 & 26 Vict. c. 63. ss. 25. 57.

Queen in Council may exempt vessels in inland navigations.

408. It shall be lawful, in the United Kingdom, for Her Majesty, from time to time, by Order in Council, and in any British possession, for the governor of that possession, from time to time, by proclamation, to exempt any vessels navigating exclusively within the waters of any harbour, river, or other inland navigation in the United Kingdom, or in such possession, as the case may be, from the regulations for preventing collision and the provisions of this Act relating to the prevention of collisions, or any of them, and to substitute, with regard to such vessels, any other regulations or provisions therefor, and such regulations or provisions shall have effect as if they were contained in the first schedule to this Act or enacted in this Act.

Equipments.

Ships to be properly equipped. See 17 & 18 Vict. c. 104. s. 301.

409. It shall be the duty of the owner of every British ship to see that such ship is properly equipped, and no sea-going ship shall be deemed to be properly equipped, unless—

(1.) She is provided with efficient boats, rafts, or other appliances for saving life, kept at all times fit and ready for use, and supplied with all requisites for use, sufficient in number and of the size and description proper for such ship, regard being had to the number of persons carried, the size of the ship, the nature and duration of the voyage, and like circumstances, and with a sufficient number of life buoys and life jackets for use in emergency:

(2.) If carrying more than ten passengers she is, besides the boats, rafts, other appliances, life buoys and life jackets aforesaid, provided with a lifeboat, or a sufficient number of lifeboats, kept at all times fit and ready for use, and supplied with all requisites for use:

(3.) If built wholly or partly of iron, she has her compasses properly adjusted from time to time:

(4.) If a steam ship, she is provided with proper pumps and with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship:

(5.) If a passenger steamer within the meaning of the provisions of the Merchant Shipping Code (Passengers Act), 1871, with respect to the survey of passenger steamers, she complies with those provisions.

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Equipments.

Safety-valve and prohibition of improper pressure of steam in boiler.

Compare 17 & 18 Vict. c.104.ss.301, 302.

410. A steam ship shall not be deemed to be properly equipped unless she is provided with a safety valve on each boiler, so constructed that the weight thereon cannot be increased when the steam is up, and that the pressure of steam in the boiler cannot be increased beyond a safe and proper pressure; and if the safety valve is in addition to the ordinary safety valve, unless it is so constructed as to have an area not less and a pressure not greater than the area of and pressure on the ordinary safety valve:

If such weight or pressure of steam is increased as aforesaid, then—

(1.) Each of the engineers in charge of the machinery for the time being shall, unless he proves that the act was done without his knowledge, and without neglect or default on his part, be deemed to be in fault, and incur a penalty not exceeding one hundred pounds:

(2.) If it be shown that the act was done by the direction or with the knowledge of the owner or master, or of any agent of the owner, and that such owner, master, or agent knew the pressure to be improper, he shall be deemed to be in fault, (whether the engineer is also in fault or not,) and shall for every such offence be deemed guilty of a misdemeanor.

Penalties incurred under this section shall be without prejudice to any other proceeding against and in addition to any other liability incurred by the person liable to such penalty.

In the case of a passenger steamer surveyed under the Merchant Shipping Code (Passengers Act), 1871, the proper pressure shall be deemed to be the pressure fixed by the surveyor.

Ship's draught of water to be recorded.

411. The Board of Trade or any harbour authority may direct any of their own officers, or any other person, to record in such manner and with such particulars as the Board of Trade direct the draught of water of any sea-going ship, as shown on the scale of feet on her stem and stern, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea; and such officer shall thereupon make and keep such record, and shall from time to time forward the same, or a copy thereof, to such persons as the Board of Trade may direct; and such record, or any copy thereof, if produced by or out of the custody of such officer, or of the Board of Trade, or of such harbour authority, shall be admissible in evidence of the draught of water of the ship at the time specified in the record.

The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to

sea, record her draught of water in the official logbook (if any), and shall produce such record to any officer of customs whenever required by him so to do, or, in default of such production, shall incur a penalty not exceeding pounds.

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Unseaworthy Ships.

Unseaworthy Ships.

412. If complaint is made to the Board of Trade that any British ship is, by reason of the defective condition of her hull, unfit to proceed to sea, the Board may cause such ship to be surveyed by one of the surveyors appointed by them, and if such surveyor report that the hull of such ship is in such a state of repair that she could not proceed to sea without serious danger to human life, the Board of Trade may declare such ship to be unseaworthy, and thereupon any officer of customs may detain such ship.

Power for Board of Trade to declare ship unseaworthy.

If, upon such survey, such ship is found to be seaworthy, the expenses of the survey shall be paid to the Board of Trade by the person making the complaint.

If, upon such survey, such ship is found to be unseaworthy, the expenses of the survey shall be paid to the Board of Trade by the owner of the ship.

Any shipowner who is dissatisfied with the decision of a surveyor under this section may appeal to a local court of Admiralty having jurisdiction in the place where such ship was surveyed, and such court may, if they think fit, appoint one or more competent persons to survey such ship anew, and any surveyor so appointed shall have the powers of a surveyor appointed by the Board of Trade. Upon any such appeal the court may make such order as to the payment of the expenses of the original survey and of the survey anew, as to the court seems just.

Dangerous Goods.

413. If any person sends or attempts to send by any ship any dangerous goods, that is to say, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, petroleum, or any other goods of a dangerous nature without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such goods, and of the name and address of the sender thereof, to the master or owner of the ship at or before the time of sending the same to be shipped, he shall for every such offence incur a penalty not exceeding *one hundred pounds*, and the goods shall be liable to forfeiture, and if forfeited, shall be disposed of in such manner as the court having cognizance of such offence direct.

Provisions to prevent the taking dangerous goods on board without due notice. 17 & 18 Vict. c. 104. s. 329. 25 & 26 Vict. c. 63. s. 38.

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Dangerous Goods.

Any person who knowingly sends or attempts to send by any ship any dangerous goods, or goods of a dangerous nature under a false description, or falsely describes the sender thereof, shall be guilty of a misdemeanor.

No person, other than the master or owner of the ship, shall be entitled to carry in any British ship, or any foreign ship within British jurisdiction, and no person shall be entitled to require the master or owner of any such ship to carry therein, any such dangerous goods as aforesaid, or any other goods which, in the judgment of such master or owner, are of a dangerous nature.

The master or owner of any ship, British or foreign, may refuse to take on board any package or parcel which he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact.

Where any dangerous goods, as defined in this section, or any goods which in the judgment of the master or owner are of a dangerous nature, have been sent on board any ship, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of such ship may cause such goods to be thrown overboard, and neither the master nor the owner of the ship shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any British court.

SCHEDULE TO PREVENTION OF ACCIDENTS ACT.

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Regulations for Preventing Collision.

Preliminary.

1. In the following rules every steam ship which is under sail and not under steam is to be considered a sailing ship; and every steam ship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules concerning Lights.

Lights.

2. The lights mentioned in the following articles, and no others, shall be carried in all weathers, from sunset to sunrise.

Lights for steam ships.

3. Steam ships when under weigh shall carry:

(*a.*) *At the foremast head* (or, if the ship have no mast, at the funnel head), a bright white light, so fixed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass; so fixed as to throw the light 10 points on each side of the ship, viz., from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles:

(*b.*) *On the starboard side,* a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles:

(*c.*) *On the port side,* a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

The said green and red side lights shall be fitted with inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

Lights for steam tugs

4. Steam ships, when towing other ships, shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steam ships. Each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steam ships are required to carry. Steam ships having no masts shall carry such lights at the funnel head.

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Lights for sailing ships.

5. Sailing ships under weigh, or being towed, shall carry the same lights as steam ships under weigh, with the exception of the white mast-head lights, which they shall never carry.

Exceptional lights for small sailing vessels.

6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with suitable screens.

Lights for ships at anchor.

7. Ships, whether steam ships or sailing ships, when at anchor in roadsteads or fairways, shall exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of eight inches in diameter, and so constructed as to show a clear uniform and unbroken light all round the horizon, and at a distance of at least one mile.

Lights for pilot vessels.

8. Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the mast-head, visible all round the horizon, and shall exhibit a flare-up light every fifteen minutes.

Lights for fishing vessels and boats.

9. Open fishing boats and other open boats shall not be required to carry the said lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

Fishing vessels and open boats, when at anchor, or attached to their nets and stationary shall exhibit a bright white light.

Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient, nor from complying with any local or national regulation requiring special lights to be exhibited under special circumstances, or for the purpose of distinguishing boats employed in any particular description of fishery.

Rules concerning Fog Signals.

Fog signals.

10. Whenever there is fog, whether by day or night, the fog signals described below shall be carried and used, and shall be sounded at least every five minutes, viz.:—

(*a.*) Steam ships under weigh shall use a steam whistle placed before the funnel, not less than eight feet from the deck:

(*b.*) Sailing ships under weigh shall use a fog horn:

(*c.*) Steam ships and sailing ships when not under weigh shall use a bell.

Sailing Rules.

Two sailing ships meeting.

11. If two sailing ships are meeting end on, or nearly end on, so as to involve risk of collision, that is to say, by day when each of two sailing ships sees the

masts of the other ship in a line, or nearly in a line with her own, and by night when each of such ships is in such a position as to see both the side lights of the other, the helms of both shall be put to port, so that each may pass on the port side of the other. A.D. 1871.

This article does not apply, by day, where a sailing ship sees another sailing ship ahead crossing her own course; or by night, where the red light of one sailing ship is opposed to the red light of the other, or the green light of one ship is opposed to the green light of the other; or a red light without a green light, or a green light without a red light, is seen ahead, or both green and red lights are seen anywhere but ahead.

Two sailing ships crossing.

12. When two sailing ships are crossing so as to involve risk of collision then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side; except in the case in which the ship with the wind on the port side is close hauled and the other ship free, in which case the latter ship shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

Two ships under steam meeting.

13. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, that is to say, by day, when each of two steam ships sees the masts of the other ship in a line or nearly in a line with her own, and by night, when each of such ships is in such a position as to see both the side lights of the other, the helms of both shall be put to port, so that each may pass on the port side of the other.

This article does not apply, by day, where a steam ship sees another steam ship ahead crossing her own course; or by night, where the red light of one steam ship is opposed to the red light of the other, or the green light of one ship is opposed to the green light of the other; or a red light without a green light, or a green light without a red light, is seen ahead, or both green and red lights are seen anywhere but ahead.

Two ships under steam crossing.

14. If two ships under steam are crossing so as to involve risk of collision the ship which has the other on her own starboard side shall keep out of the way of the other.

Sailing ship and ship under steam.

15. If two ships, one of which is a sailing ship and the other a steam ship, are proceeding in such directions as to involve risk of collision, the steam ship shall keep out of the way of the sailing ship.

Ships under steam to slacken speed.

16. Every steam ship, when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam ship shall, when in a fog, go at a moderate speed.

Vessels overtaking other vessels.

17. Every vessel overtaking any other vessel shall keep out of the way of the said last-mentioned vessel.

Construction of articles 12, 14, 15, and 17.

18. Where, by the above rules, one of two ships is to keep out of the way the other shall keep her course, subject to the qualifications contained in the following article.

Proviso to save special cases.

19. In obeying and construing these rules, due regard must be had to all dangers of navigation; and due regard must also be had to any special

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circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

No ship, under any circumstances, to neglect proper precautions.

20. Nothing in these rules shall exonerate any ship, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Printing of Regulations.

25 & 26 Vict. c. 63. s. 26.

The Board of Trade shall from time to time cause regulations for preventing collisions, with or without any of the provisions of this Act with respect to the prevention of collisions, to be printed, and shall furnish a copy thereof gratis to every master and owner of a ship who applies for the same.

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Delivery of Goods and Lien for Freight.

PART V.

Delivery of Goods Act.

Preliminary.

Short title.

414. This Act may be cited as the Merchant Shipping Code (Delivery of Goods Act), 1871.

Extent of Act.

415. This Act shall extend to the United Kingdom only.

Incorporation of certain sections of General Provisions Act.

416. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1871, relating to Construction.

Delivery of Goods and Lien for Freight.

Definitions.

417. In these provisions,—

The term "report" means the report required by the customs laws to be made by the master of an importing ship:

The term "entry" means the entry required by the customs laws to be made for the landing or discharge of goods from an importing ship:

The term "shipowner" includes the master of the ship and every other person authorized to act as agent for the owner or entitled to receive the freight, demurrage, or other charges payable in respect of the ship:

The term "owner" used in relation to goods means every person who is for the time being entitled, either as owner or agent for the owner, to the possession of the goods, subject, in the case of a lien (if any), to such lien:

The term "wharfinger" means the occupier of a wharf:

The term "warehouseman" means the occupier of a warehouse.

Power to shipowner to enter and land goods in default of entry and landing by owner of goods. 25 & 26 Vict. c. 63. s. 67.

418. Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or, having made entry thereof, to land the same or take delivery thereof and to proceed therewith with all convenient speed, by the times severally herein-after mentioned, the shipowner may make entry of and land or unship the said goods at the times, in the manner, and subject to the conditions following:—

(1.) If a time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the time so expressed:

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(2.) If no time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, after the report of the ship:

(3.) If any wharf or warehouse is named in the charter party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed, and if they can be conveniently there received, the shipowner in landing them by virtue of this enactment shall cause them to be placed on such wharf or in such warehouse:

(4.) In other cases the shipowner in landing goods by virtue of this enactment shall place them on or in some wharf or warehouse on or in which goods of a like nature are usually placed; such wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods:

(5.) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry which may have been made by the shipowner:

(6.) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of such landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, such goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment; and the expense of and consequent on such landing and assortment shall be borne by the shipowner:

(7.) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make such delivery, and has also failed at the time of such offer to give the owner of the goods correct information of the time at which such goods can be delivered, then the shipowner shall, before landing or unshipping such goods under the power hereby given to him, give to the owner of the goods or of such wharf or

warehouse as last aforesaid twenty-four hours notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without such notice, do so at his own risk and expense.

If, when goods are landed, the shipowner give notice for that purpose, the lien for freight is to continue. 25 & 26 Vict. c. 63. s. 68.

419. If at the time when any goods are landed from any ship, and placed in the custody of any person as a wharfinger or warehouseman, the shipowner gives to the wharfinger or warehouseman notice in writing that the goods are to remain subject to a lien for any charges payable to the shipowner to an amount mentioned in such notice, the goods so landed shall, in the hands of the wharfinger or warehouseman, continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof; and the wharfinger or warehouseman receiving such goods shall retain them until the lien is discharged as herein-after mentioned, and shall, if he fails so to do, make good to the shipowner any loss thereby occasioned to him.

Lien to be discharged on proof of payment. 25 & 26 Vict. c. 63. s. 69.

420. Upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof or of a release of freight from the shipowner, the said lien shall be discharged.

Lien to be discharged on deposit with warehouseman. 25 & 26 Vict. c. 63. s. 70.

421. The owner of the goods may deposit with the wharfinger or warehouseman a sum of money equal in amount to the sum so claimed as aforesaid by the shipowner, and thereupon the lien shall be discharged; but without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

Notice within 15 days to warehouseman, and consequent proceedings. 25 & 26 Vict. c. 63. ss. 71–2.

422. When such deposit as aforesaid is made with the wharfinger or warehouseman, the person making the same may, within fifteen days after making it, give to the wharfinger or warehouseman notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable.

If no such notice is given, the wharfinger or warehouseman may, at the expiration of such fifteen days, pay the sum so deposited over to the shipowner.

If such notice is given, the wharfinger or warehouseman shall immediately apprize the shipowner of it, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by such notice to be payable, and shall retain the remainder, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the said notice, or, if the lien is in respect of freight, for the further term, if any, at the expiration

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Delivery of Goods and Lien for Freight.

of which such freight is payable under the charter party, bill of lading, or agreement. At the expiration of such thirty days, or further term, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any disputes which may have arisen between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman shall pay the said balance or sum to the owner of the goods.

A wharfinger or warehouseman shall by any payment under this section be discharged from all liability in respect thereof.

After 90 days warehouseman may sell goods by public auction. 25 & 26 Vict. c. 63. s. 73.

423. If the lien is not discharged, and no deposit is made as hereinbefore mentioned, the wharfinger or warehouseman may, and, if required by the shipowner, shall, at the expiration of ninety days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as he in his discretion thinks fit, sell by public auction, either for home use or exportation, the said goods or so much thereof, as may be necessary to satisfy the charges herein-after mentioned.

Notices of sale to be given. 25 & 26 Vict. c. 63. s. 74.

424. Before making such sale the wharfinger or warehouseman shall give notice thereof by advertisement in two local newspapers circulating in the neighbourhood, or in one daily newspaper published in London, and in one local newspaper, and also, if the address of the owner of the goods has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharfinger or warehouseman, or is otherwise known to him, give notice of the sale to the owner of the goods by letter sent by the post; but the title of a bonâ fide purchaser of such goods shall not be invalidated by reason of the omission to send notice as in this section mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Money arising from sale, how to be applied. 25 & 26 Vict. c. 63. s. 75.

425. In every case of any such sale as aforesaid the wharfinger or warehouseman shall apply the money received from the sale as follows, and in the following order:

1. If the goods are sold for home use, in payment of any customs or excise duties owing in respect thereof:
2. In payment of the expenses of the sale:
3. In payment of the charges of the wharfinger or warehouseman and the shipowner according to such priority as may be determined by the terms of the agreement (if any) in that behalf between them:

4. If there is no such agreement, in payment of the rent, rates, and other charges due to the wharfinger or warehouseman in respect of the said goods:

5. In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods;

and the surplus, if any, shall be paid to the owner of the goods.

Warehouseman's rent and expenses. 25 & 26 Vict. c. 63. s. 76.

426. Whenever any goods are placed in the custody of a wharfinger or warehouseman, under the authority of this Act, the wharfinger or warehouseman shall be entitled to rent in respect of the same, and shall also have power from time to time, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the said wharfinger or warehouseman are necessary for the proper custody and preservation of the said goods, and shall have a lien on the said goods for the said rent and expenses.

Warehousemen's protection. 25 & 26 Vict. c. 63. s. 77.

427. Nothing in this Act shall compel any wharfinger or warehouseman to take charge of any goods which he would not have been liable to take charge of if this Act had not been passed; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Act.

Saving for powers under local Acts. 25 & 26 Vict. c. 63. s. 78.

428. Nothing in this Act shall take away or abridge any powers given by any special Act to any harbour authority, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this Act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any special Act.

Bills of Lading.

Rights under bills of lading to vest in consignee or endorsee. 18 & 19 Vict. c. 111. s. 1.

429. Every consignee of goods named in and every endorsee of a bill of lading to whom the property in the goods therein mentioned passes, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

Not to affect right of stoppage in transitu or claims for freight. 18 & 19 Vict. c. 111. s. 2.

430. Nothing in the provisions of this Act respecting bills of lading, shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

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Bills of Lading.

Bill of lading in hands of consignee, &c., conclusive evidence of the shipment as against master, &c. 18 & 19 Vict. c. 111. s. 3.

431. Every bill of lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading has had actual notice at the time of receiving the same that the goods had not been in fact laden on board: provided, that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims.

PART VI.

A.D. 1871.

Liability of Shipowners.

Liability of Shipowners Act.

432. This Act may be cited as the Merchant Shipping Code (Liability of Shipowners Act), 1871. Short title.

433. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1871, relating to Legal Procedure and Construction. Incorporation of certain sections of General Provisions Act.

434. This Act shall extend to all persons and place over whom or in which Her Majesty has jurisdiction. Extent of Act.

435. The owner of any sea-going ship, British or foreign, or any share therein, shall not be liable to any extent whatever to make good any loss or damage happening on board his ship without his actual fault or privity,— 17 & 18 Vict. c. 104. s. 502. Owner not liable in certain cases.

(1.) To any goods or other things whatsoever on board his ship by reason of fire: or 17 & 18 Vict. c. 104. s. 503.

(2.) To any gold, silver, diamonds, watches, jewels, or precious stones on board his ship, by reason of any robbery, embezzlement, removal, or secreting thereof, unless the true nature and value thereof has at the time of shipment been declared by the owner or shipper thereof to the owner or master of the ship in the bills of lading or otherwise in writing.

436. The owner of any ship, whether British or foreign, or any share therein, shall not, in cases where all or any of the following casualties occur without his actual fault or privity; (that is to say,) Limitation of owners liability where no fault or privity. 25 & 26 Vict. c. 63. s. 54.

(1.) Where any loss of life or personal injury is caused to any person being carried in his ship;

(2.) Where any damage or loss is caused to any goods, or other things whatsoever on board his ship;

(3.) Where any loss of life or personal injury is by reason of the improper navigation of his ship caused to any person carried in any other vessel;

(4.) Where any loss or damage is by reason of the improper navigation of his ship caused to any other vessel, or to any goods or other thing whatsoever on board any other vessel;

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Liability of Shipowners.

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss of or damage to vessels, goods, or other things, to an aggregate amount exceeding fifteen pounds for each ton of his ship's tonnage, nor in respect of loss or damage to vessels, goods, or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding eight pounds for each ton of his ship's tonnage; but shall be answerable as aforesaid, in respect of every distinct occasion on which any such casualty occurs, to the same extent as if no such casualty had occurred on any other occasion.

17 & 18 Vict. c. 104. s. 506.

For the purposes of this section—

(1.) The tonnage of a steam ship shall be her gross register tonnage; and the tonnage of a sailing ship shall be her net register tonnage:

(2.) In the case of a foreign ship the tonnage of which is not ascertained according to the regulations of the Merchant Shipping Code (Registry Act), 1871, the surveyor general of tonnage in the United Kingdom, or the chief measuring officer of any British possession abroad, shall, on receiving from the court hearing the case in which the tonnage of such ship is in question such evidence concerning the dimensions of the ship as it may be practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of such ship if she had been duly measured according to British law, and the tonnage so stated in such certificate shall for the purposes of this section be deemed to be the tonnage of such ship, subject to such correction, if any, as the court hearing the case may upon further evidence think fit to make.

Proceedings where several claims are apprehended.

17 & 18 Vict. c. 104. s. 514.

437. Where any liability is alleged to have been incurred by the owner of any British or foreign ship in respect of loss of life, personal injury, or loss of or damage to vessels, or goods, and several claims are made or apprehended in respect of such liability, such owner may make application to the court in this section mentioned, and such court may determine the fact of such owner's liability, and the amount thereof, and may distribute such amount rateably among the several claimants, and may stop all actions, suits, and proceedings pending in any other court in relation to the same subject matter, and may, for the purposes aforesaid, proceed in such manner, and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain

time, and as to requiring security from the owner, and as to payment of any costs, as the court thinks fit.

The application may be made to any superior court or any chief court of Admiralty, and also in any British possession to any court exercising Admiralty jurisdiction.

23 & 24 Vict. c. 126. s. 35.

An order of a chief court of Admiralty under this section shall have the same effect as if it were the order of a superior court of law or equity.

24 & 25 Vict. c. 10. s. 13.

Liability of master and seamen not affected.

438. Nothing in this Act shall be construed to lessen or affect any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman.

17 & 18 Vict. c. 104. s. 516.

Part owners to account in respect of damages.

439. All sums paid for on account of any loss or damage in respect whereof the liability of owners is limited under the provisions of this Act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

17 & 18 Vict. c. 104. s. 515.

Insurances of certain risks not invalid.

440. Insurances effected against the happening, without the owner's actual fault or privity, of any or all of the events in respect of which the liability of owner is limited by this Act shall not be invalid by reason of the nature of the risk.

25 & 26 Vict. c. 63. s. 55.

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PART VII.

Wreck and Salvage Act.

Preliminary.

Short title.

441. This Act may be cited as the Merchant Shipping Code (Wreck and Salvage Act), 1871.

Interpretation.

442. In this Act the term "the limits of the United Kingdom" includes any tidal water within the United Kingdom or the Isle of Man, and the sea for a distance of three miles from the coasts thereof, and also any bay, estuary, arm of the sea, sand, shoal, island, or place neighbouring thereto, over which Her Majesty has or may have any jurisdiction.

Incorporation of certain sections of General Provisions Act.

443. There shall be incorporated with this Act the sections of the Merchant Shipping Law (General Provisions Act), 1871, relating to Legal Procedure, Orders in Council, Inspectors, Detention of Ships, and Construction.

Extent of Act.

444. This Act shall, except as respects Her Majesty's right to unclaimed wreck, extend only to the limits of the United Kingdom and to the Isle of Man.

Inquiries into Shipping Casualties.

Preliminary inquiries into shipping casualties may be made by receivers.
17 & 18 Vict. c. 104. ss. 432, 448.

445. In case of any of the events following (in this Act referred to as shipping casualties); that is to say,

(1.) Where within the limits of the United Kingdom any British or foreign vessel is or has been in distress, or lost, wrecked, stranded, abandoned, or otherwise damaged, or has been in collision with any British or foreign vessel, or the life of any person belonging to such vessel has been lost:

(2.) Where without the limits of the United Kingdom any British vessel is or has been in distress, or lost, wrecked, stranded, abandoned, or otherwise damaged, or has been in collision with any British or foreign vessel, or the life of any person belonging to such vessel has been lost, and any witness is found in the United Kingdom or Isle of Man:

the receiver for the district where such shipping casualty happens, if the same happen within the limits of the United Kingdom, or if the same happen without the limits of the United Kingdom the receiver for the district where such witness is found, shall, subject to instructions from the Board of Trade, and in the manner provided by this Act, make a preliminary inquiry respecting such shipping casualty, and the causes thereof, and the circumstances attending the same.

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Manner of conducting preliminary inquiries by receiver.

17 & 18 Vict. c. 104. ss. 432, 448, 449.

446. For the purposes of any such preliminary inquiry as aforesaid the receiver may examine any person belonging to the vessel, and any person able to give an account of the shipping casualty, or of the vessel, or of the cargo, stores, tackle, persons, and property on board, and may require production of the logs and other papers of the vessel.

The receiver shall examine each witness on oath and shall take down in writing and sign the examinations, including therein any extracts which he thinks fit to make from the logs or other papers, and may require the witnesses to sign their examinations respectively, and shall transmit such examinations and extracts to the Board of Trade.

Any examinations (with the extracts from logs or papers included therein) taken in pursuance of this section, purporting to be signed by the person taking the same, and also any copy thereof purporting to be certified by the Board of Trade as a true copy under their seal or under the hand of one of their secretaries or assistant secretaries, shall in all courts and before any person having by law or consent authority to take evidence, be admissible as evidence of any matter contained therein relative to the casualty, and the causes thereof, and the circumstances attending the same, whether or not such matter was material to the inquiry by the receiver.

Any witness of a shipping casualty found at a place other than the place where a preliminary inquiry respecting such casualty is or may be held may be examined by a receiver or other person appointed by the Board of Trade at the place where such witness is found.

Subject to the provisions of this section, every such preliminary inquiry shall be held and all such examinations and extracts shall be taken and transmitted in such manner and subject to such regulations as the Board of Trade may from time to time prescribe, and any such preliminary inquiry may, if the said Board think fit, be conducted by some other person, whether a receiver or not, appointed by them instead of the receiver for the district; and any person so appointed shall for the purposes of such inquiry have the same powers, duties, and authorities as a receiver.

Statements to be made by the master of a British vessel to which a shipping casualty has happened.

447. Whenever a shipping casualty happens in the case of a British vessel, the master, or if the master is dead the chief surviving officer, and also every such other person belonging to the vessel as the Board of Trade may from time to time direct, shall, within twenty-four hours of his first landing in the United Kingdom or Isle of Man after the happening of such casualty, attend and submit himself for

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examination at the office of the receiver for the district where the place of such landing is situate, unless he has been previously examined or excused from attending for examination by a receiver; and if any master, officer, or other person makes default in obeying the provisions of this section he shall incur a penalty not exceeding *fifty pounds*.

Notice of loss of British ships to be given to the Board of Trade.

17 & 18 Vict. c. 104. s. 327.

448. Whenever the owner of any British ship has information that such ship is lost, or in consequence of her non-arrival, or otherwise, has reason to apprehend that she is lost, he shall forthwith send notice of such loss or apprehended loss to the Board of Trade, and shall upon requisition by the said Board furnish to them such information as he may be required and able to furnish respecting such ship and the loss thereof and the property and persons on board, and if he makes default in obeying the provisions of this section he shall incur a penalty not exceeding *fifty pounds*.

Examination of persons belonging to foreign ships, by consent of foreign government.

449. Where it is made to appear to Her Majesty in Council that the government of any foreign country is willing that the provisions of this Act for the examination of persons belonging to foreign vessels to which any shipping casualty happens within the limits of the United Kingdom should extend to cases where such casualty happens to vessels of that country in any places without the limits of the United Kingdom, Her Majesty may, by Order in Council, direct that the said provisions shall extend to such cases accordingly, and the said provisions shall thereupon extend to such cases in the same manner as if the casualty had happened within the limits of the United Kingdom.

Formal investigation of shipping casualties.

17 & 18 Vict. c. 104. ss. 433–437.

25 & 26 Vict. c. 63. s. 23.

450. Where it appears to the Board of Trade, either upon or without a preliminary inquiry by a receiver or other person, that a formal investigation of any shipping casualty, and of the causes thereof, and of the circumstances attending the same, is expedient, the Board of Trade may direct such investigation to be held, and determine the place for the holding of such an investigation. Such investigation shall be held by the court following, namely, the local court of Admiralty, or a court of summary jurisdiction, or such person or persons as the Board of Trade appoint.

Where nautical or engineering skill and knowledge are required for the purposes of any such investigation, the chief court of Admiralty shall, on the application of the Board of Trade, or of the said court, appoint some person or persons of nautical or engineering skill and knowledge to act as assessor or assessors in such investigation, and such assessor or assessors shall form part of the said court.

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The said court shall hold in open court an investigation of the casualty, and of the causes thereof, and of all the circumstances attending the same, in such manner and under such conditions, and according to such rules with respect to the admission of evidence, or otherwise, as the said court may think most effectual for ascertaining such causes and circumstances and enabling them to make the report in this section mentioned.

The Board of Trade may appoint a person to superintend the management of the case on their behalf.

The court shall make a report, stating the causes of the casualty and all the circumstances attending the same, and whether the same was due wholly or partly to the act or default of any person or persons, or to circumstances beyond the control of any person.

They may state in the report such extracts from and observations on the evidence as they think fit, and shall state any matters arising out of the investigation of which they think the Board of Trade should be informed.

Such report shall be read in open court, and shall forthwith be sent to the Board of Trade, and the said Board may, if they see fit, publish the same.

Such report shall be signed by all the members of the court, and if any member of the court dissent from such report he shall state in writing such dissent and his reasons for the same.

The court may make such order as the court may think fit respecting the costs and expenses of the investigation; and such order shall, on the application of any party entitled to the benefit of the same, be enforced by the court as if the costs and expenses were costs in such court.

For the purposes of this section, the court holding any such investigation shall have all the powers of a court of summary jurisdiction when acting as a court in the exercise of their ordinary jurisdiction, and shall in addition thereto have all the powers of an inspector appointed by the Board of Trade.

The legislature of a British possession may provide for investigations of shipping casualties.

451. The legislature of any British possession, other than the Isle of Man, may, by an Act or Ordinance, make provision for holding inquiries and investigations respecting shipping casualties happening either within or beyond the territorial limits of such possession, and for the attendance and examination of witnesses at such inquiries and investigations; provided that every such Act or Ordinance shall be void so far as it is enacted under this section unless it be reserved for the signification of Her Majesty's pleasure, or contain a suspending clause, providing that such Act or Ordinance

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shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Signals of Distress.

Signals of distress in schedule.

452. The signals specified in the first schedule to this Act shall be deemed to be signals of distress, and any person who makes, or causes or permits any person under his authority to make, any of the said signals, except in the case of a vessel being in distress, shall be liable to pay all reasonable expenses which may be incurred in consequence of such signal having been supposed to be a signal of distress, and such expenses may be recovered summarily by any person who has incurred the same.

Vessels in Distress.

Aid of vessels stranded or in distress.
17 & 18 Vict. c. 104. s. 441.

453. Where any British or foreign vessel is wrecked, stranded, or in distress at any place within the limits of the United Kingdom, the receiver shall, upon being made acquainted with such circumstance, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of such vessel, and of the lives of the persons belonging to or on board the same (in this Act referred to as shipwrecked persons), and of the cargo, stores, and tackle thereof, and of the property of such persons, and of all parts of the vessel separated therefrom (which cargo, stores, tackle, property, and parts are in this Act included under the expression wreck).

Any person disobeying such directions of the receiver shall incur a penalty not exceeding *fifty pounds;* but the receiver shall not interfere between the master and the crew of the vessel in reference to the management or preservation thereof, unless he is requested to do so by the master.

Powers of the receiver in case of vessels stranded or in distress.
17 & 18 Vict. c. 104. s. 442.

454. The receiver may, with a view to the preservation of the vessel, or of the shipwrecked persons or wreck, do all or any of the following things; that is to say,

(1.) Require such persons as he thinks necessary to assist him:

(2.) Require the master of any vessel near at hand to give such aid with his men or vessel as may be in his power:

(3.) Demand the use of any waggon, cart, horses, tackle, ropes, or appliances that may be near at hand:

And any person refusing, without reasonable cause, to comply with any such requisition or demand shall, for every day on which he

refuses, incur a penalty not exceeding *one hundred pounds;* but no person shall be liable to pay any duty in respect of any such waggon, cart, or horses, by reason only of the user of the same under this section.

Power to pass over adjoining lands. 17 & 18 Vict. c. 104. s. 446.

455. Whenever any vessel is wrecked, stranded, or in distress within the limits of the United Kingdom all persons may, for the purpose of rendering assistance to such vessel, or of saving the lives of the shipwrecked persons or wreck, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on such lands any wreck saved.

All damage that may be sustained by any owner or occupier in consequence of any such passing or repassing or deposit as aforesaid, shall be a charge on the vessel or wreck in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is by this Act made recoverable; and the amount payable in respect thereof shall, in case of dispute, be determined in the same manner as the amount of salvage is by this Act, in case of dispute, directed to be determined: Provided that no such compensation shall be recoverable in respect of damage to any gate, wall, or other obstruction which may have been unreasonably erected or placed by such owner or occupier so as to impede such passing, repassing, or deposit.

If the owner or occupier of any land over which any person is hereby authorized to pass or repass does any of the acts following, by himself or his servants; that is to say,

(1.) Impedes or hinders such person from so passing or repassing, with or without carriages, horses, and servants, by locking his gates, or refusing, upon request, to open the same, or otherwise howsoever; or

(2.) Impedes or hinders the deposit of any wreck; or

(3.) Prevents or endeavours to prevent such wreck from remaining so deposited for a reasonable time until the same can be removed to a safe place of public deposit;

he shall for every such act incur a penalty not exceeding *one hundred pounds.*

Power of receiver to suppress plunder and disorder by force.

456. Whenever any vessel is wrecked, stranded, or in distress within the limits of the United Kingdom, and any person plunders, creates disorder, or obstructs the preservation of the vessel or of the shipwrecked persons or wreck, the receiver may cause such

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17 & 18 Vict. c. 104. s. 444.

person to be apprehended, and kept in custody until he can conveniently be taken before a court of summary jurisdiction, to be dealt with according to law, and may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her Majesty's subjects to assist him in the use of such force; and if, when the receiver or any person acting under his orders is engaged in the execution of the duties by this Act committed to the receiver, any person resists such receiver or person, and is killed, maimed, or hurt by reason of such resistance, such receiver and other person are hereby fully indemnified as well against Her Majesty as against every person so maimed or hurt, and the representatives of any person so killed.

Liability for damage in case of a vessel plundered by a tumultuous assemblage. 17 & 18 Vict. c. 104. s. 477.

457. Where any vessel is wrecked, stranded, or in distress within the limits of the United Kingdom, and such vessel, or any wreck belonging to or separated therefrom, is plundered, damaged, or destroyed by any persons riotously and tumultuously assembled together, whether on shore or afloat, full compensation shall be made to the owner of such vessel or wreck, as follows; (that is to say,)

In England by the inhabitants of the hundred, wapentake, ward, or district in the nature of a hundred, by whatever name denominated, in or nearest to which the said offence is committed, in manner provided by an Act of the session of the seventh and eighth years of the reign of King George the Fourth, chapter thirty-one, and Acts amending the same, in case of the destruction of churches and other buildings by a riotous assemblage, or as near thereto as circumstances permit:

In Ireland by the inhabitants of the county, county of a city or town, barony, town or towns, parish or parishes, in or nearest to which such offence is committed, in manner provided by an Act of the session of the third and fourth year of the reign of King William the Fourth, chapter thirty-seven, and Acts amending the same, for the recovery of satisfaction and amends for the malicious demolition of or injury to churches, chapels, and other buildings used for religious worship, or as near thereto as circumstances permit:

In Scotland by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by an Act of the first year of King George the First, statute two, chapter five, and Acts amending the same, with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit.

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Power of master to repel boarding by force. 17 & 18 Vict. c. 104. s. 478.

458. Whenever any vessel is wrecked, stranded, or in distress within the limits of the United Kingdom any person not being a receiver or a person acting for or under the orders of a receiver, who, without the leave of the master of such vessel, endeavours to board the same, may be repelled by force, and the master and any person under his orders so repelling such person by force is hereby indemnified for so doing.

Certain officers to exercise powers of receiver in his absence. 17 & 18 Vict. c. 104. s. 445.

459. Where a receiver is not present, the following officers or persons in succession, each in the absence of the other, in the order in which they are named, (that is to say,) any officer of the Board of Trade, principal officer of customs, principal officer of the coast guard, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, may do all matters and things by this Act authorized to be done by the receiver for the preservation of vessels, shipwrecked persons, and wreck, with this exception, that, with respect to any wreck the delivery of which to the receiver is by this Act required, any officer so acting shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver; and he shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Any person acting under the order of an officer or person acting in pursuance of the provisions of this section shall for the purposes of this Act be deemed to be acting under the orders of a receiver.

Wreck.

Rules for persons finding wreck in the United Kingdom. 17 & 18 Vict. c. 104. ss. 443. 450.

460. Where any person takes possession of wreck within the limits of the United Kingdom he shall as soon as possible deliver the same to the nearest receiver: Provided that the Board of Trade may, if they think fit, dispense with such delivery in the case of any wreck, upon such conditions, if any, as the said Board think fit.

Any person taking possession of wreck within the limits of the United Kingdom who—

(1.) Fails to deliver the same to such receiver, in pursuance of this section; or

(2.) In a case where the Board of Trade has dispensed with such delivery upon any conditions, does not either comply with such conditions or deliver the wreck to such receiver as soon as possible,

shall forfeit any claim to salvage, and shall be liable to pay as a

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penalty double the value of such wreck, together with a further sum not exceeding *one hundred pounds*.

Rules as to wreck found at sea.

461. Where any wreck is taken possession of at sea beyond the limits of the United Kingdom by any British vessel, the master of such vessel shall act as follows:—

(1.) If while the wreck is in his possession he touches at any port or place where there is a British consular officer, he shall make a report of the wreck to such consular officer, and shall conform to his directions in respect thereof:

(2.) If he arrives within the limits of the United Kingdom in possession of the wreck, he shall deliver it to the receiver of the district in which the port or place at which he first arrives is situate:

(3.) If before he arrives within the limits of the United Kingdom he disposes of the wreck, whether under the direction of a consular officer or otherwise howsoever, he shall upon first arriving at any port or place within such limits give an account of the wreck, and of the manner, and of the price, if any, in and for which he has disposed of the same, to the receiver of the district in which the port or place at which he first arrives is situate.

Any person making default in obeying the provisions of this section shall be liable to pay as a penalty double the value of the wreck, together with a further sum not exceeding two hundred pounds.

Power for receiver to seize wreck.

462. A receiver may without warrant, and with or without the assistance of a constable, seize and detain any wreck, not being in a house, found within the limits of his district.

Notice of wreck to be given by receiver.

17 & 18 Vict. c. 104. s. 452.

463. Every receiver shall, within forty-eight hours after taking possession of any wreck, cause to be posted up in the custom house nearest to the place where such wreck was found or was seized by him, or, if found at sea, was delivered to him, a description of the same and of any marks by which it is distinguished, and shall also transmit a similar description to the secretary of the committee for managing the affairs of Lloyd's in London, and to such other persons as the Board of Trade may from time to time direct; and such secretary shall post up the description so sent, or a copy thereof, in some conspicuous place, for inspection by any person desirous of examining the same.

Owner may claim wreck within one year.

464. The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the receiver or of the Board of Trade within one year from the time

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at which such wreck came into the possession of the receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have such wreck or the proceeds thereof delivered up to him or his agent; and where any such wreck is proved, to the satisfaction of the receiver or of the Board of Trade, to belong to a foreign owner, the consul general of the country to which the owner of such wreck belongs, or any consular officer of that country authorized in that behalf by any treaty or arrangement with such country, shall, in the absence of the owner or his agent, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the wreck.

17 & 18 Vict. c. 104. s. 470. 18 & 19 Vict. c. 91. s. 19.

465. With respect to the sale of wreck the following provisions shall have effect; that is to say,

Power to receiver to sell wreck in certain cases. 17 & 18 Vict. c. 104. ss. 453, 469.

(1.) Where in the opinion of the receiver it is for the advantage of all parties to sell wreck in his custody, or where such wreck consists of goods of a dangerous nature, he may sell the same, and the proceeds of such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold:

(2.) Where the owner of any wreck is known or has established his title to the same, but neglects to pay the salvage, fees, or expenses due thereon for twenty days after notice in writing from the receiver, the receiver may sell such wreck, or a sufficient part thereof, and may out of the proceeds of such sale, after defraying the expenses of sale, pay the salvage, fees, and expenses due, and shall pay or deliver the surplus, if any, of the proceeds or of the wreck to the persons entitled to receive the same.

A receiver, or other person on his behalf, selling wreck under the provisions of this Act shall not on that account be required to have any licence as an auctioneer, or be liable to any duty imposed on persons selling by auction or competition.

Unclaimed Wreck.

466. Her Majesty and Her Royal successors are entitled to all unclaimed wreck found in any part of Her Majesty's dominions, except in places where Her Majesty or any of Her Royal predecessors has granted the right to such wreck to any other person.

Right of Crown to unclaimed wreck. See 17 Edw. 2. stat. 1. c. 11.

467. Where any admiral, vice-admiral, lord of a manor, heritable proprietor duly infeft, or other person alleges that he is entitled for his own use to unclaimed wreck found on any place within the district of

Notice of unclaimed wreck to

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given to franchisers of wreck. 17 & 18 Vict. c. 104. s. 454. 501.

a receiver, and has proved to the satisfaction of the Board of Trade his title to such unclaimed wreck, he may deliver to such receiver a statement containing the particulars of his title, and an address to which notices may be sent, and the receiver shall forward the same to the Board of Trade, and whenever the receiver takes possession of any wreck found on such place, he shall send to such address, within forty-eight hours after so taking possession, a description of such wreck and of any marks by which it is distinguished.

Disposal of unclaimed wreck. 17 & 18 Vict. c. 104. ss. 471. 475. 25 & 26 Vict. c. 63. s. 53.

468. Where no owner establishes a claim to any wreck in the possession of a receiver within one year after it came into his possession, the wreck shall, after payment of expenses, costs, fees, and salvage, be dealt with as follows; that is to say,

(1.) If claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person who has given notice as in this Act provided, and has proved to the satisfaction of the Board of Trade his title to receive unclaimed wreck found at the place where such wreck was found, the same, or the proceeds thereof, shall be delivered or paid to him or his agents:

(2.) If claimed in right of Her Majesty's duchy of Lancaster, the same, or the proceeds thereof, shall be delivered or paid to the receiver-general of that duchy or his deputies as part of the revenues of that duchy:

(3.) If claimed in right of the duchy of Cornwall, the same, or the proceeds thereof, shall be delivered or paid to the receiver-general of that duchy or his deputies as part of the revenues of that duchy:

(4.) In other cases the wreck, if unsold, shall be sold by such persons and in such manner as the Board of Trade may direct, and the proceeds thereof shall be payable to Her Majesty, her heirs and successors, and during the life of Her Majesty shall be carried to the Consolidated Fund in such manner as the Treasury may from time to time direct, and afterwards shall be disposed of according to the provisions of the Acts, if any, for the time being in force relating to the hereditary revenues of the Crown.

The provisions of this section shall be subject to the provisions of this Act for the purchase and transfer to the Board of Trade of rights and interests to and in wreck.

Disputed title to

469. Where any dispute arises between any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person, or

such receiver-general as aforesaid, and the receiver or any other person, respecting title to wreck found at any place, the local Admiralty Court shall have jurisdiction to hear and determine such dispute in the same manner as if it were a dispute as to salvage within the jurisdiction of such court; but if any party to such dispute is unwilling to have the same heard and determined by the local Admiralty Court, or feels aggrieved by the decision of such court, he may take proceedings in any court having jurisdiction in the matter for establishing his title; provided that if such dispute has been heard and determined in a local Admiralty Court, such proceedings shall not be taken in another court unless within six months after the date of such determination.

unclaimed wreck.

17 & 18 Vict. c. 104. ss. 472. 473.

470. Upon delivery of wreck or payment of the proceeds of wreck by a receiver, in pursuance of the provisions of this Act, such receiver shall be discharged from all liability in respect thereof, but neither such delivery nor any acknowledgment by the Board of Trade or by a receiver shall prejudice or affect any question which may be raised by third parties concerning such wreck, or which may be raised by any person concerning the right to unclaimed wreck found at the place where such wreck was found, or concerning the title to the soil of such place.

Delivery of unclaimed wreck by receivers not to prejudice title.

25 & 26 Vict. c. 63. s. 52.

471. In any case where two or more persons claim any wreck or proceeds of wreck, of what value or amount soever, in the possession of a receiver, a local Admiralty Court having jurisdiction in the district of such receiver may, on the application of such receiver or of any of such persons, summon such persons before it, and may hear and adjudicate upon their claims, and may make such order between the parties in respect thereof, and of the costs of the proceedings, as to such court may seem fit; and such order may be enforced in like manner as any order made in any suit brought in the said court.

Interpleader in case of wreck.

472. The Board of Trade may, with the consent of the Treasury, out of the revenue arising under this Act, purchase any rights to or interests in unclaimed wreck possessed by any person other than Her Majesty; and for the purpose of such purchases the provisions of the Lands Clauses Acts, relating to the purchase of lands by agreement, shall be incorporated with this Act, and in the construction of those Acts for the purposes of this section this Act shall be deemed to be the special Act, and any such rights to wreck as aforesaid shall be deemed to be an interest in land authorized to be taken by the special Act, and the Board of Trade shall be deemed to be the promoters of the undertaking; but the Board of

Power to Board of Trade to purchase rights to wreck.

17 & 18 Vict. c. 104. s. 474.

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Trade shall not purchase any rights to or interests in unclaimed wreck at a greater price than *ten* years purchase of the annual value of the same, calculated on the average of the *ten* years next preceding the agreement to purchase the same.

Disposal of royal fish.

473. All the rights of Her Majesty in and to royal fish found or taken within the limits of the United Kingdom shall be transferred to and vest in the Board of Trade; and the said Board may grant or dispose of any such fish, the right to which is hereby vested in them, to the finders or captors thereof, or to any other person, in such manner and subject to such regulations as the said Board think fit.

Admiral not to interfere with wreck. 17 & 18 Vict. c. 104. s. 440.

474. No admiral, vice-admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck or royal fish.

Disposal of unclaimed wreck in British possessions.

475. Her Majesty may, by Order in Council, direct that wreck found on or near the coasts of any British possession, and unclaimed, shall be applied to such shipping purposes as the legislature of such possession may, by any Act or Ordinance, appoint; but every such Act or Ordinance, so far as it relates to such wreck, shall be void, unless it either be reserved for the signification of Her Majesty's pleasure, or contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Marine Store Dealers.

Regulations for marine store dealers. 17 & 18 Vict. c. 104. ss. 480, 481, 482.

476. Every person dealing in, buying, or selling any of the articles following, that is to say, old anchors, cables, sails, junk, or metal, or other marine stores of any kind, shall conform to the following regulations:

(1.) He shall have his name, together with the words "dealer in marine stores," distinctly painted, in letters of not less than three inches in length and two inches in breadth, on some conspicuous part of each warehouse and place of deposit belonging to him:

(2.) He shall keep a book or books fairly written, and shall enter therein an account of all such articles which he may from time to time become possessed of, and a description of each article and of any marks thereon, and a statement of the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of such person:

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(3.) He shall not by himself or his agents purchase marine stores of any description from any person apparently under the age of sixteen years:

(4.) He shall not cut up or unlay any cable or other like article exceeding five fathoms in length or any sail until the expiration of forty-eight hours after he has obtained such written permit as is herein-after mentioned from the receiver for the district in which he carries on business:

(5.) He shall at all times, when required by such receiver, whether or not the receiver has a warrant for search or inspection, produce and deliver up to the receiver every book kept in pursuance of the provisions of this Act, and shall, if required, allow such receiver to inspect and take copies of the same:

And every person making default in observing the regulations aforesaid shall incur for the first offence a penalty not exceeding *ten pounds*, and for every subsequent offence a penalty not exceeding *fifty pounds*.

Manner of obtaining permit to cut up cables and sails. 17 & 18 Vict. s. 481.

477. In order to obtain such permit as aforesaid, a dealer in marine stores shall make a declaration before the receiver for the district where such dealer resides, containing the following particulars; that is to say,

(1.) A statement of the quality and description of the cable, sail, or other like article about to be cut up or unlaid:

(2.) A statement of the name and description of the person from whom he purchased or received the same:

And it shall be lawful for the receiver, upon such declaration being made, to grant a permit authorizing him to cut up or unlay such cable, sail, or other like article.

Permit to be advertised before dealer proceeds to act thereon. 17 & 18 Vict. s. 482.

478. A dealer in marine stores who has obtained such permit as aforesaid shall not proceed by virtue thereof to cut up or unlay any cable, sail, or other like article until he has for the space of one week at the least before doing any such act, published in some newspaper published nearest to the place where he resides, one or more advertisements, notifying the fact of his having so obtained a permit, and specifying the nature of the cable, sail, or other article mentioned in the permit, and the place where the same is deposited, and the time at which the same is intended to be so cut up or unlaid; and if any person suspects or believes that such cable, sail, or other article is his property he may apply to any justice of the peace for a warrant; and such justice of the peace may, on the applicant making oath, or, if a person entitled to make an affirma-

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tion, making an affirmation in support of such his suspicion or belief, grant a warrant, by virtue whereof the applicant shall be entitled to require the production by such dealer as aforesaid, of the cable, sail, or other article mentioned in the permit, and also of the book of entries by this Act directed to be kept by every dealer in marine stores, and, upon such cable, sail, or other article and book of entries being produced, to inspect and examine the same; and if any dealer in marine stores makes default in complying with any of the provisions of this section, he shall incur for the first offence a penalty not exceeding *twenty pounds*, and for every subsequent offence a penalty not exceeding *fifty pounds*.

Offences in respect of Wreck.

Felonies in respect of wrecks.

479. Every person who does any of the acts following; that is to say,

24 & 25 Vict. c. 100. s. 17.

(1.) Prevents or impedes, or endeavours to prevent or impede, any shipwrecked person in his endeavour to save his life, or prevents or impedes, or endeavours to prevent or impede, any person in his endeavour to save the life of any shipwrecked person;

17 & 18 Vict. c. 104. s. 478.

(2.) Prevents or impedes, or endeavours to prevent or impede, the saving of any vessel which is wrecked, stranded, abandoned, or in distress, or prevents or impedes, or endeavours to prevent or impede, any person in his endeavour to save such vessel;

24 & 25 Vict. c. 96. s. 64. c. 97. s. 49. 17 & 18 Vict. c. 104. s. 479.

(3.) Steals or destroys any wreck; or

(4.) Sells on the high seas or in any foreign port or place any such vessel or wreck found within the limits of the United Kingdom, not having a lawful title thereto;

shall be deemed to be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not exceeding *seven years*, or to be imprisoned for any time not exceeding *two years*, with or without hard labour.

Misdemeanors in respect of wrecks. 17 & 18 Vict. c. 104. s. 478.

480. Every person who does any of the acts following; that is to say,

(1.) Boards any vessel which is wrecked, stranded, abandoned, or in distress, against the will of the master, unless the person so boarding is, or acts by command of, the receiver;

24 & 25 Vict. c. 100. s. 37.

(2.) Assaults, obstructs, or molests any receiver or any person acting as a receiver in the exercise of his duty for the

preservation or assistance of any such vessel or of wreck, or assaults, obstructs, or molests any person acting by command of a receiver in the exercise of his duty as aforesaid;

(3.) Prevents or impedes, or endeavours to prevent or impede, the saving of any wreck;

(4.) Secretes any wreck, or defaces or obliterates the marks thereon, or uses any means to disguise the fact that it is wreck, or in any manner conceals the character thereof, or the fact that the same is wreck, from any person entitled to inquire into the same; 17 & 18 Vict. c. 104. s. 478.

(5.) Receives any wreck, knowing the same to be wreck, from any person other than the owner thereof or the receiver, and does not within forty-eight hours inform the receiver thereof; or

(6.) Sells or otherwise deals with any wreck within the limits of the United Kingdom, knowing it to be wreck, and not having a lawful title to sell or deal with the same; or 24 & 25 Vict. c. 96. s. 66.

(7.) Keeps in his possession any wreck, knowing it to be wreck, and not having a lawful title so to keep the same, for any time longer than the time reasonably necessary for the delivery thereof to the receiver; 24 & 25 Vict. c. 96. s. 65.

shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *two years*, with or without hard labour; or, on summary conviction, shall be liable to be imprisoned for a period not exceeding *six months*, or to pay a penalty not exceeding *one hundred pounds*.

Venue and evidence in prosecutions for offences in respect of wrecks. *See* 24 & 25 Vict. c. 96. ss. 65, 66.

481. Any person charged with a felony or misdemeanor under this Act may be indicted and prosecuted and the venue may be laid in any county; and in any indictment or prosecution under this Act, for any felony or misdemeanor in respect of wreck, it shall not be necessary to lay the property in any person, or to identify the alleged wreck as part of any particular vessel, or wreck coming from any particular vessel, or as the property of any particular person.

In any indictment or prosecution for secreting or disguising wreck, or defacing or obliterating marks thereon, or concealing the character thereof, or for receiving, selling, dealing with, or detaining wreck, unless the accused shows that he was possessed of the same for more than twelve months before the date of the indictment or the commencement of the prosecution, it shall lie upon him to show

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that he did not know and had not the means of knowing the same to be wreck, or that he was lawfully possessed of or entitled to sell or deal with the same; and in any such indictment or prosecution evidence may be given, either before or after verdict, of any former conviction of the accused for any of the said offences.

In any proceeding under this section the accused may, if he think fit, be sworn and examined as an ordinary witness in the case.

Summary procedure for concealment of wreck. 17 & 18 Vict. c. 104. s. 451. *See* 24 & 25 Vict. c. 110. 24 & 25 Vict. c. 96. s. 65.

482. Where a receiver suspects that any wreck is secreted or concealed by or unlawfully or wrongfully in the possession of any person, he may apply to any justice of the peace for a search warrant, and such justice shall have power to grant such warrant, by virtue whereof it shall be lawful for the receiver to enter, and if need be by force, any house, building, or other place, whether enclosed or unenclosed, and any vessel, and to search for, seize, remove, and detain any wreck there kept, secreted, or found, and if any wreck is discovered, and the person in whose possession or on whose premises the same is found fails, on being summoned to appear before a court of summary jurisdiction, to prove to the satisfaction of such court that he was lawfully entitled to the possession of such wreck, he shall incur a penalty not exceeding *twenty pounds* for the first offence, and for every subsequent offence shall be liable at the discretion of the court, either to a penalty not exceeding *fifty pounds* or to imprisonment with hard labour for any period not exceeding *three months;* but the court may, if they think fit, commit him for trial for a misdemeanor under this Act. If any such discovery as aforesaid is made in consequence of information given by any person to the receiver, the informer shall be entitled, by way of salvage, to such sum not exceeding twenty pounds as the receiver, under instructions from the Board of Trade, may allow.

Salvage.

Salvage shall be payable for saving life. 17 & 18 Vict. c. 104. ss. 458, 459.

483. Where services are rendered wholly or in part within British jurisdiction in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel, there shall be payable to the salvor by the owner of the vessel, freight, cargo, stores, and tackle, a reasonable sum for salvage and expenses, in priority to all other claims, if any, for salvage; and in cases where such vessel, stores, tackle, and cargo, are destroyed, or the value thereof, with the freight, if any, is insufficient, after payment of the actual expenses incurred, to pay the amount of such salvage, the Board of Trade may, in their discretion, award to the salvor, out of the mercantile marine fund, such remuneration as they think fit.

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Salvage of life from foreign vessels out of British jurisdiction.

25 & 26 Vict. c. 63. s. 59.

484. When it is made to appear to Her Majesty that the government of any foreign country is willing that salvage should be awarded by British courts for services rendered in saving life from ships and boats belonging to such country elsewhere than in British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of this Act with reference to salvage of life shall apply, and such provisions shall accordingly apply in such cases as if the services were rendered in saving life from ships or boats within British jurisdiction.

Salvage of cargo or wreck.

17 & 18 Vict. c. 104. s. 458.

485. Where, within or without British jurisdiction, any British or foreign vessel is wrecked or abandoned, stranded, or in distress, and services are rendered by any person in assisting such vessel and where services are rendered as aforesaid by any person in saving any wreck, there shall be payable to the salvor by the owner of such vessel or wreck (which such vessel and wreck are herein-after in this Act included in the expression "property liable for salvage"), as the case may be, a reasonable amount of salvage, including expenses properly incurred.

Procedure in Salvage.

Jurisdiction in salvage disputes.

See 17 & 18 Vict. c. 104. ss. 460–465. 25 & 26 Vict. c. 63. s. 49.

486. Disputes as to salvage, whether of life or property, shall, in the United Kingdom and Isle of Man, be heard and determined as follows, and not otherwise; that is to say,

(1.) If either the amount claimed does not exceed twenty pounds, or the value of the property liable or alleged to be liable for the salvage does not exceed fifty pounds, or if the parties consent in writing, the dispute may be heard and determined by the receiver of the district where the services were rendered or where the property liable is at the time of the making of the claim, and his award, including such fees and costs as he may determine, shall be final and conclusive against all persons:

(2.) In other cases, if either the amount claimed does not exceed four hundred pounds, or the value of the property liable or alleged to be liable does not exceed one thousand pounds, or if the parties consent in writing, the dispute may be heard and determined by the local court of Admiralty or court of summary jurisdiction having jurisdiction in the place where the services were rendered or where the property is at the time of the making of the claim:

(3.) In other cases the dispute may be heard and determined by the chief court of Admiralty.

Where any suit or proceeding has been commenced in a local

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court of Admiralty, the judge of such court may, on application to the registrar of such court by the party against whom such suit or proceeding has been commenced, and upon being satisfied that the hearing of the case before such court would cause unnecessary delay and expense, direct that the case be heard before a court of summary jurisdiction, and such case shall be so heard and determined accordingly.

If in any suit or proceeding for salvage in the chief court of Admiralty the claimant recover an amount less than three hundred pounds, then, unless the court certify that such suit or proceeding was unfit to be determined by an inferior court or a receiver, as the case may be, the claimant shall have no costs, charges, or expenses incurred by him in the prosecution of his claim, and shall pay to the other party such costs, charges, and expenses, if any, as the court may direct.

For the purposes of this section, the amount claimed shall mean the amount claimed in the suit or proceeding before the receiver, or in the court in which the suit or proceeding is taken; and the value of the property liable shall mean the value of the property when first brought into safety by the salvors.

Power for court of summary jurisdiction to appoint assessor. *See* 17 & 18 Vict. c. 104. s. 461.

487. A court of summary jurisdiction may, for the purpose of determining any dispute as to salvage, call in to their assistance any person conversant with maritime affairs as assessor, and there shall be paid to every such assessor in respect of his services such sum not exceeding five pounds as the Board of Trade may from time to time direct, such payment to form part of the costs of the proceeding.

Proceedings for salvage how to be commenced. 17 & 18 Vict. c. 104. s. 460.

488. Any dispute as to salvage, wheresoever the services have been rendered, and whether such dispute arises in the United Kingdom or elsewhere, may be heard and determined on the application either of the salvor or of the owner of the property liable to the claim for salvage, or, when the property is in the custody of the receiver, on his application.

Valuation of property. 25 & 26 Vict. c. 63. s. 50.

489. Where any dispute as to salvage arises in the United Kingdom or Isle of Man, the receiver of the district where the property liable is, shall, on the application of either party, appoint a valuer to value such property, and shall give copies of the valuation to both parties; and any copy of such valuation, purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding, and shall, for the purpose of giving jurisdiction in salvage, be conclusive evidence of the value at the time of such valuation;

and there shall be paid in respect of such valuation such fee, not exceeding the fees specified in the first schedule to this Act, as the Board of Trade may from time to time direct.

Property liable for salvage may be seized and detained by a receiver. See 17 & 18 Vict. c. 104. s. 468.

490. A receiver may seize any property being within his district and alleged to be liable for salvage, and may detain such property until either the salvage, fees, and costs due thereon are ascertained and paid, or process is issued for the arrest or detention thereof by some competent court, or security is given to his satisfaction for such salvage, fees, and costs.

Where the value of the property does not exceed fifty pounds, any question as to the amount of the security to be given under this section, or as to the sufficiency of the sureties, may be determined by the receiver; where such value exceeds fifty pounds, any such question may be determined, upon the application either of the owner of the property or of the salvors or any of them, or of such receiver, by a local court of Admiralty or court of summary jurisdiction having jurisdiction in the district of such receiver.

If the property has not been valued, the value for the purposes of this section shall be determined by such receiver, or by a valuer appointed by him as aforesaid.

Any security given for salvage in pursuance of this section may be enforced by a court competent to entertain a suit for such salvage, in the same manner as if bail had been given in such court; and where under the provisions of this Act the determination of disputes as to such salvage is to be made by a receiver, any such security may be enforced in the manner aforesaid by a local court of Admiralty or court of summary jurisdiction having jurisdiction in the district of the receiver by whom such dispute is or may be determined.

Procedure in disputes as to salvage before a receiver.

491. Where any dispute as to salvage arises before a receiver under the provisions of this Act, the receiver shall hear and determine the same in such manner as the Board of Trade may from time to time by regulations prescribe; and if after he has made and published his award the salvage fees and costs by him awarded to be paid are not paid within fourteen days, he may sell the property liable for such salvage, fees, and costs, or a sufficient part thereof, and out of the proceeds defray the expenses of the sale, and the salvage, fees, and costs awarded, and shall pay or deliver up the surplus, if any, to the owners of the property or other persons entitled thereto.

Apportionment of salvage.

492. Where the aggregate amount of salvage payable in respect of any services has been finally determined by a receiver or court

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or by admission or agreement, such amount may be apportioned and distributed as follows; that is to say,

17 & 18 Vict. c. 104. ss. 466, 498.

(1.) If the amount has been determined by a receiver, the receiver may apportion the same among the persons entitled thereto in such manner as he thinks just, and his apportionment shall be final:

(2.) If the amount has been determined by a court of summary jurisdiction, such court may direct the amount to be apportioned among the persons entitled thereto in such manner as such court thinks just, and may appoint any person to carry the apportionment into effect, and may, by summary order, direct any person in whose hands or under whose control such amount may be to pay the same accordingly:

(3.) If the amount has been determined by a court having Admiralty jurisdiction, such court may direct the amount to be apportioned among the persons entitled thereto in such manner as such court think just, and may appoint any person to carry the apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into court, to be dealt with as the court may direct, and may for the purposes aforesaid issue such monitions or other processes as the court thinks fit:

(4.) If the amount has been finally ascertained by admission or agreement, but a dispute arises or is apprehended as to the apportionment thereof among several claimants, the person liable to pay such amount may pay the same, if it does not exceed twenty pounds, or in any case if the claimants so agree, to a receiver, or if it exceeds twenty pounds into any court having Admiralty jurisdiction, and such receiver or court shall receive and apportion the same, and shall grant to the person paying the same a certificate of the amount paid and of the services in respect of which it is paid, and such certificate shall be a full discharge and indemnity to such person, and to all his property liable in respect of such services, against all persons parties to or bound by such admission or agreement.

Enforcement of salvage when the property is

493. Where any salvage, fees, charges, or costs, in relation to salvage, are awarded or declared to be due by a receiver or any court having jurisdiction in salvage, and the property liable, or the

proceeds thereof, is or are under arrest in a different suit in a court not being the same court by which such salvage, fees, charges, or costs, have been awarded, such salvage, fees, charges, and costs shall be enforced against the property or proceeds so under arrest, by the court in which the same is or are under arrest.

under arrest in another suit.

Salvage by Her Majesty's Ships.

494. Where services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof, in saving any vessel, cargo, or property, or the lives of persons belonging to any vessel, claims for salvage in respect of such services shall not be heard or allowed otherwise than as follows; that is to say,

Salvage by Her Majesty's ships. 17 & 18 Vict. c. 104. ss. 484, 485.

(1.) Such claims may be made and prosecuted by the Admiralty, at their discretion, on behalf of any such commander or crew, before any court having Admiralty jurisdiction:

(2.) A claim may be allowed for the cost of any stores belonging to Her Majesty supplied to any vessel in distress, but no claim shall be allowed for the risk, loss, or damage of any ship belonging to Her Majesty, or of the appurtenances on board such ship.

495. Where services are rendered at any place out of the limits of the United Kingdom by the commander or crew of any of Her Majesty's ships, in saving any vessel or other property, such commander, or the officer in command of such crew, may make and sign and require the master or other person in charge of the vessel or property saved to make and sign a statement in the form in the second schedule to this Act, so far as the same is applicable, and upon such statement being so made and signed by such master or other person the vessel or property shall not be detained; but if such master or other person refuses to make and sign such statement, such commander or officer may carry the vessel or property into any port where there is a consular officer or a vice-admiralty court, and the consular officer or the judge of the vice-admiralty court may detain the vessel or property until such statement is made or security is given to the satisfaction of such consular officer or judge for the payment of any salvage which may be awarded.

Salvage by Her Majesty's ships abroad. 17 & 18 Vict. c. 104. ss. 486–494., and 496

Any such statement by a master or other person as aforesaid shall in any proceedings for salvage be evidence on behalf of the Admiralty of all matters contained therein; and any person who in any statement made in pursuance of this section makes any false representation shall be deemed guilty of wilful and corrupt perjury.

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Salvage by Means of Lifeboats or Rocket Apparatus.

Salvage of life by means of lifeboats or rocket apparatus.

496. Where the life of any person belonging to any vessel has been saved by means of any lifeboat maintained by the Royal National Lifeboat Institution, or of any rocket or mortar apparatus supplied and maintained by the Board of Trade, no claim shall be made in respect of such salvage by any of the crew of such lifeboat, or by any of the persons using such apparatus, without the previous consent of the Board of Trade, signified in writing under the hand of one of their secretaries or assistant secretaries.

Jurisdiction of Courts of Admiralty in Salvage.

Jurisdiction of Courts of Admiralty in salvage.
17 & 18 Vict. c. 104. s. 476.

497. Subject to the provisions of this Act, every court having Admiralty jurisdiction shall have jurisdiction to decide upon claims relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the body of any county, or partly on the high seas and partly within the body of any county, and whether the wreck or property liable for or in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

Extension of jurisdiction of local Admiralty Courts.

498. The jurisdiction of local courts of Admiralty in England under the provision of the County Courts Admiralty Jurisdiction Act, 1868, and in Ireland under the provisions of the Court of Admiralty (Ireland) Act, 1867, shall extend to all cases of salvage where either the amount claimed in the suit or proceeding does not exceed four hundred pounds, or the value of the property liable for the salvage does not exceed one thousand pounds.

Appointment of Receivers of Wreck.

Appointment of receivers of wreck.
17 & 18 Vict. c. 104. s. 439.

499. The Board of Trade shall throughout the United Kingdom and the Isle of Man have the general superintendence of all matters relating to wreck, and to shipping casualties, and may, from time to time, appoint any officer of customs or of the coastguard or, where it appears to such Board to be more convenient, any other person, to be a receiver of wreck, in this Act referred to as receiver, and may, from time to time, remove any receiver, whether appointed before or after the commencement of this Act, and may assign a district to any receiver, and may vary such district from time to time; and may from time to time make and vary regulations for the conduct of receivers, subject to the provisions of this Act.

General powers of receivers.

500. A receiver acting in execution of his duties in pursuance of this Act shall have the same powers and authorities as an inspector appointed by the Board of Trade, and any person obstruct-

ing a receiver in the execution of his duty, or making default in appearing or giving evidence before him, shall be subject to the like penalties as if the receiver were an inspector appointed by the said Board. A.D. 1871.

Fees of Receivers of Wreck.

Receivers fees. 17 & 18 Vict. c. 104. ss. 455-457.

501. There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also in respect of the several matters specified in the third schedule to this Act, such fees, chargeable as therein mentioned, and not exceeding the amounts therein mentioned, as may from time to time be directed by the Board of Trade; and the receiver shall, in addition to all other rights and remedies for the recovery of such expenses or fees, have the same rights and remedies which a salvor has in respect of salvage due to him, and may, if the property in respect of which any such expenses or fees are due is not under arrest in any court, seize or detain such property until the same are paid, or until security is given for the same to his satisfaction.

Whenever any dispute arises in any part of the United Kingdom or Isle of Man as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Board of Trade, whose decision shall be final.

All fees received by any receiver appointed under this Act, in respect of any of the matters in the third schedule to this Act mentioned, shall be carried to and form part of the mercantile marine fund.

There shall be paid by the Board of Trade to every receiver, for his own use, such remuneration as the Board of Trade may, with the consent of the Treasury, from time to time appoint, and, save as aforesaid, a receiver shall not as such or in respect of anything done by him in the execution of the duties imposed on him by this Act, be entitled to take any fee or receive any remuneration whatever.

All expenses incurred by receivers in carrying into effect the provisions of this Act, and all remunerations paid to receivers shall, if and so far as they are not chargeable upon wreck under this Act, be paid out of the mercantile marine fund.

Remuneration for services by coastguard. 18 & 19 Vict. c. 91. s. 20.

502. Where services are rendered by any officer or men of the coastguard service in watching or protecting wreck, then, unless it can be shown that such services have been declined by the owner of the wreck or his agent at the time they were tendered, or that salvage has been claimed and awarded for such services, the owner of the wreck shall pay in respect of the said services remuneration

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according to a scale to be fixed by the Board of Trade, so, however, that such scale shall not exceed the scale by which remuneration to officers and men of the coastguard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated; and such remuneration shall be recoverable by the same means and shall be paid to the same persons and accounted for and applied in the same manner as fees received by receivers, under the provisions of this Act.

Duties on Wreck.

Foreign goods found derelict to be subject to the same duties as on importation. 17 & 18 Vict. c. 104. ss. 499, 500.

503. All wreck, being foreign goods brought or coming into the United Kingdom or Isle of Man shall be subject to the same duties as if the same were imported into the United Kingdom or Isle of Man respectively.

The Commissioners of Customs and Inland Revenue shall permit all goods saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which the same were shipped; but such commissioners may take security for the due protection of the revenue in respect of such goods.

SCHEDULES TO WRECK AND SALVAGE ACT. A.D. 1871.

FIRST SCHEDULE.

SIGNALS OF DISTRESS.

SECOND SCHEDULE.

STATEMENTS IN THE CASE OF SALVAGE BY HER MAJESTY'S SHIPS.

Statements to be made by the salvor and by the master or other person in charge of the property saved, respectively.

(1.) The place, condition, and circumstances in which the said ship, cargo, or property was at the time when the services were rendered for which salvage is claimed:

(2.) The nature and duration of the services rendered:

And by the salvor,

(3.) The proportion of the value of the said ship, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the said ship, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:

(4.) Any other circumstances which he thinks relevant to the said claim:

And by the said master or other person in charge of the said ship, cargo, or property,

(5.) A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to his knowledge or belief)

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has occurred in the particulars contained in such certificate; and stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:

(6.) The name and place of business or residence of the freighter (if any) of the said ship, and the freight to be paid for the voyage on which she then is:

(7.) A general account of the quantity and nature of the cargo at the time the salvage services were rendered:

(8.) The name and place of business or residence of the owner of such cargo and of the consignee thereof:

(9.) The values at which the said master estimates the said ship, cargo, and property, and the freight respectively, or if he thinks fit, in lieu of such estimated value of the cargo, a copy of the ship's manifest:

(10.) The amounts which the master thinks should be paid as salvage for the services rendered:

(11.) An accurate list of the property saved in cases where the ship is not saved:

(12.) An account of the proceeds of the sale of the said ship, cargo, or property, in cases where the same or any of them are sold at such port as aforesaid:

(13.) The number, capacities, and condition of the crew of the said ship at the time the said services were rendered:

(14.) Any other circumstances he thinks relevant to the matters in question.

THIRD SCHEDULE.

FEES OF RECEIVERS.

Maximum fees to be charged by receivers in addition to expenses properly and necessarily incurred.

	£	s.	d.
1. For every inquiry instituted by a receiver with respect to any shipping casualty, whatever may be the number of persons examined, a fee not exceeding - - -	2	0	0
To be charged on the ship or cargo in respect of which the examination is instituted.			
2. For copy of evidence required to be sent by the receiver to the secretary of the Committee for managing the Affairs of Lloyd's in London, or supplied to any person, a sum not exceeding - - - - - - -	0	2	6
To be paid by Lloyd's or by the person to whom it is supplied.			

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	£	s.	d.
3. For every salvage dispute heard and determined by the receiver, in which the claim does not exceed 20*l.*, or the property saved does not exceed 50*l.*, a sum not exceeding -	1	0	0
To be charged on the property saved.			
4. For all other cases in which salvage disputes are heard and determined by the receivers, such sum as the Board of Trade may determine, not exceeding in the whole in any one case the sum of - - - - - -	5	0	0
To be charged on the property saved.			
5. For wreck received or taken by the receiver into his custody, a per-centage of five per cent. upon the value thereof. But so that in no case shall the whole amount of per-centage so payable exceed twenty pounds.			
To be charged on the wreck or derelict.			
6. For every report of wreck sent by the receiver to the secretary of the Committee for managing the Affairs of Lloyd's, the sum of - - - - - -	0	0	6
To be paid by such secretary.			
7. For every report of wreck sent to a lord of a manor or other person entitled to receive it, a sum not exceeding -	0	0	6
To be paid by the lord of the manor or other person.			
8. For every sale of wreck conducted by a receiver, a sum not exceeding *one pound* per cent. on the value thereof.			
To be charged on the proceeds of sale.			
9. For the appointment of a valuer, and for copies of certificates of valuation, when the value of the property is under 600*l.*, a sum not exceeding - - - - - -	2	0	0
In other cases - - - - - -	5	0	0
To be charged on the property valued.			
10. In cases where any services are rendered by a receiver in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a per-centage; that is to say,			
If such vessel, with her cargo, equals or exceeds in value six hundred pounds, the sum of *two pounds* for the first, and the sum of *one pound* for every subsequent day during which the receiver is employed on such service; but if such vessel, with her cargo, is less in value than six hundred pounds, *one moiety* of the above-mentioned sum.			
But so that in no case shall the whole amount exceed *thirty pounds.*			
To be charged on such vessel or articles.			

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Preliminary.

Provisional Orders.

PART VIII.

Pilotage Act.

Preliminary.

Short title.

504. This Act may be cited as the Merchant Shipping Code (Pilotage Act), 1871.

Incorporation of certain sections of General Provisions, Act.

505. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1871, relating to Legal Procedure, Orders in Council, Byelaws, Detention of Ship, and Construction.

Application. 17 & 18 Vict. c. 104. s. 330.

506. This Act extends to the United Kingdom and the Isle of Man only, but applies to all ships British and foreign.

Construction.

507. In this Act,

The term "pilotage authority" means any person or persons, or body of persons, authorized to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage:

The term "pilot" means any person not belonging to a ship who has the conduct thereof:

The term "pilot boat" means any ship or boat employed in the pilotage service of any district.

Free Pilotage.

Employment of pilot not to be compulsory.

508. After the commencement of this Act, no owner or master of any ship shall in any case be compelled to employ or give his ship into the charge of a pilot, or to pay any pilotage dues where he has not employed or given his ship into the charge of a pilot, notwithstanding any Act or charter making the employment of a pilot or the payment of pilotage dues compulsory.

Provisional Orders.

Power by provisional order. 25 & 26 Vict. c. 63. s. 39.

509. It shall be lawful to do all or any of the following things by provisional order made by the Board of Trade, and confirmed by Parliament:

To alter constitution and district of pilotage authority.

(1.) To alter the constitution of any pilotage authority, and to fix and alter the limits of their district:

To constitute new authorities.

(2.) Where there is no pilotage authority other than the Trinity House, to constitute a pilotage authority, and to fix the limits of their district, so, however, that in the district

so constituted there be no restriction on the power of qualified persons to obtain licences as pilots:

(3.) Whenever any pilotage authority residing or having their place of business at one port have or exercise jurisdiction in matters of pilotage in any other port, then,— To transfer pilotage jurisdiction.

(*a.*) To transfer so much of the said jurisdiction as concerns such last-mentioned port, either to any harbour authority or other body exercising any local jurisdiction in maritime matters at the last-mentioned port, or to any local body to be constituted for the purpose by the provisional order, or (where the said pilotage authority is not the Trinity House) to the Trinity House; or

(*b.*) To transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body to be constituted for the purpose by the provisional order, so as to represent the interests concerned, and (if they think fit) to incorporate such body, and to regulate their constitution, whether incorporated or not.

(4.) To make the body to whom the said transfer is made a pilotage authority (herein-after called the new pilotage authority), with such powers as may be mentioned in the provisional order: To make the new body a pilotage authority.

(5.) To determine the limits of the district of the new pilotage authority: To determine the limits of such pilotage authority.

(6.) To sanction a scale of remuneration (in this Act called pilotage dues) demandable by the pilots to be licensed by the new pilotage authority: To sanction pilotage dues.

(7.) To determine to what extent and under what conditions any pilots then already licensed by the former pilotage authority are to continue to act under the new pilotage authority: To determine the condition under which pilots shall continue to act under such pilotage authority.

(8.) To sanction arrangements for the apportionment of any pilotage funds belonging to the pilots licensed by the former pilotage authorities between the pilots remaining under the jurisdiction of the former authority and the pilots who are transferred to the jurisdiction of the new authority: To sanction arrangements for the apportionment of pilotage funds.

(9.) To provide for just compensation to officers employed by the former pilotage authority, and not continued by the new pilotage authority: To provide for compensation of officers.

(10.) In cases where there is no restriction on the power of qualified persons to obtain licences as pilots,— To enable existing authorities to grant licences and fix or raise dues.

(*a.*) To give to any pilotage authority power for licensing pilots, and for fixing pilotage dues for the district

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General Powers of Pilotage Authorities.

or any part of the district of such authority for which no such licences or dues for the time being exist, and for increasing all or any of the pilotage dues which for the time being are in force in the district or any part of the district of such authority; and

To facilitate the recovery of dues.

(*b.*) To give additional facilities for the recovery of pilotage dues, and for preventing the employment of unlicensed pilots:

To facilitate grants of licences.

(11.) To give facilities for enabling qualified persons after examination as to their qualifications to obtain licences as pilots:

To authorise grants of special licences to pilots.

(12.) To authorise any pilotage authority to grant special licences qualifying the persons to whom they are granted to act as pilots for any part of the sea or channels beyond the limits of such pilotage authority, so, however, that no pilot so licensed be entitled to supersede an unlicensed pilot outside the limits of the authority by which he is licensed.

Application for such order may be made by any persons interested in the pilotage of the district, or in the operation of the laws or regulations relating to such pilotage.

General Powers of Pilotage Authorities.

Powers of pilotage authorities. 17 & 18 Vict. c. 104. s. 333.

510. Subject to the provisions of this Act, every pilotage authority shall have power from time to time, by byelaw made under this Act, to do all or any of the following things within their district; namely,

To determine qualifications of pilots.

(1.) To determine the qualification in respect of age, time of service, skill, character, and otherwise, to be required from persons applying to be licensed as pilots:

To make regulations respecting pilot boats.

(2.) To make regulations respecting the approval, licensing, management, and maintenance of pilot boats, and respecting the distribution of the earnings of pilot boats, and the succession to and purchase and transfer of any interests therein:

To aid companies for the support of pilot boats.

(3.) To provide for aiding in the establishment of and participating in the profits of companies for the support of pilot boats:

To grant licences.

(4.) To grant licences to pilots and apprentices, and to fix the terms and conditions of granting such licences:

To make regulations for the government of pilots.

(5.) To make regulations for the government of the pilots and apprentices so licensed, and for ensuring their good

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General Powers of Pilotage Authorities.

conduct and constant attendance to and effectual performance of their duty at sea and on shore:

To make rules for the punishment of the breach of such regulations.

(6.) To make rules for punishing any breach of such regulations by the withdrawal or suspension of the licence of the person guilty of such breach, or by the infliction of penalties:

To fix and alter pilotage dues.

(7.) To fix and alter the amount, description, and mode of payment of pilotage dues payable to the pilots licensed by such authority, so, however, that no higher dues be demanded or received in the London District of the Trinity House than those specified in the schedule to this Act, and in any other pilotage district than those which might have been lawfully fixed by the pilotage authority of that district under any Act, charter, or custom in force at the commencement of this Act:

To increase pilotage dues in winter.

(8.) To increase, by an amount not exceeding one fifth of such maximum rate as aforesaid, the pilotage dues payable to pilots licensed by such authority for services rendered between the twelfth of November and the thirtieth of April, both inclusive:

To fix sums payable by pilots to their pilotage authority.

(9.) To fix and alter the contribution payable to such authority by way of poundage or otherwise by pilots licensed by them:

To establish and regulate funds for superannuated pilots.

(10.) To establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm licensed pilots, or of their wives, widows, or children; to make any new regulations with respect to any funds for the time being applicable to those purposes or any of them, with power to determine; (*a*) the amount, manner, time, and persons (such persons to be in the service of such pilotage authority) to and in which and by and upon whom the contributions in support of such existing or future funds may be made or levied; and (*b*) what persons or class of persons from among the men in the service of such pilotage authority, their wives, widows, or children, are and are not respectively entitled to participate in the benefits of such existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled; and to make all necessary arrangements for the winding up of any such existing or future fund.

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Returns by Pilotage Authorities.

Power of appeal against byelaws. 17 & 18 Vict. c. 104. s. 336.

511. If the following persons at any port, namely,—

(1.) The majority of the licensed pilots belonging to the port; or,

(2.) The local marine board; or,

(3.) Any number of persons not less than six, being masters, owners, or insurers of ships,

consider themselves aggrieved by any regulation or byelaw of a pilotage authority made under any power existing before or after the commencement of this Act, or by a defect or omission in such regulation or byelaw, they may appeal to Her Majesty in Council, and Her Majesty may thereupon by Order in Council revoke, alter, or make additions to such regulation or byelaw, in such manner as, having regard to the interest of the persons concerned, appears to Her Majesty in Council to be just and expedient, and every order so made shall be conclusive in the matter wherein it is made.

General jurisdiction of pilotage authorities. 17 & 18 Vict. c. 104. s. 331.

512. Every pilotage authority shall retain all powers and jurisdiction which they lawfully possess at the commencement of this Act, so far as the same are consistent with the provisions of this Act; but no law relating to such authority, or to the pilots licensed by them, and nothing done by such authority, shall, if inconsistent with any provision of this Act, be of any force whatever.

Returns by Pilotage Authorities.

Power for Board of Trade to call for returns from pilotage authorities. 17 & 18 Vict. c. 104. s. 337.

513. The Board of Trade may from time to time require any pilotage authority to make and deliver to them such returns, in such form, and containing such particulars with regard to pilotage within their district as the Board of Trade think fit; and every pilotage authority shall allow the Board of Trade, or any person appointed by the Board of Trade for the purpose, to inspect any books or documents in the possession of such authority relating to any matters so required to be comprised in such returns.

Penalty on failure to make returns. 17 & 18 Vict. c. 104. s. 338.

514. If any pilotage authority (other than the Trinity House or sub-commissioners or inspectors of pilotage appointed by the Trinity House as in this Act provided) fail to deliver to the Board of Trade any return so required within one year after the time fixed by the Board of Trade for the purpose, or otherwise fail to comply with the provisions of this Act with respect to such returns, it shall be lawful for Her Majesty, by Order in Council, to direct that all the rights and powers of such authority in respect of pilotage shall cease or be suspended during such time as Her Majesty directs, and

thereupon the Trinity House shall thereafter, or during the time for which such suspension continues, have and exercise the same powers of appointing sub-commissioners or inspectors of pilotage, and of examining and licensing pilots, and of establishing and altering rates of pilotage dues within the district of the authority so making default, as the Trinity House are by this Act authorized to exercise in the Trinity House pilotage district, and shall also during such time as aforesaid have and exercise the same rights, title, and powers to and in respect of any pilotage funds or other pilotage property which the pilotage authority so making default would or might have had if not so suspended.

Licensing of Pilots.

Registry of pilot licences. 17 & 18 Vict. c. 104. s. 349.

515. Every pilot, on being licensed by any pilotage authority, shall receive a licence containing his name and usual place of abode, a description of his person, and a specification of the limits within which he is qualified to act; and the principal officer of customs at the place at or nearest to which any licensed pilot resides shall, on his request, register his licence; and a licensed pilot shall not be entitled to act as such until his licence is so registered. Any licensed pilot acting beyond the limits for which he is qualified by his licence shall be considered an unlicensed pilot.

Copies of regulation to be furnished to licensed pilot, and to be produced by him. 17 & 18 Vict. c. 104. s. 350.

516. Every licensed pilot shall, on receiving his licence, be furnished with a copy of this Act, and a copy of the dues, regulations, and byelaws established within the district for which he is licensed: and he shall produce such copies to the master of any ship, or other person employing him, when required to do so, and in case of default shall incur a penalty not exceeding *five pounds*.

Licensed pilot to produce licence to employer. 17 & 18 Vict. c. 104. s. 351.

517. Every licensed pilot while acting in that capacity shall be provided with his licence, and shall produce the same (whether requested to produce it or not) to every person by whom he is employed, or to whom he offers his services as pilot, at the time when he enters into the employment of or offers his services to such person, and shall at all times produce his licence, at the request of every person by whom he is employed as pilot, and if he neglects or refuses to produce his licence he shall for each offence incur a penalty not exceeding *ten pounds*, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

Licences to be delivered up when required, and to be returned on death.

518. Every licensed pilot, when required to do so by the pilotage authority by whom he is licensed, shall produce or deliver up his

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Rights of Pilots.

17 & 18 Vict. c. 104. s. 352.

licence to such authority; and on the death of any licensed pilot the person into whose hands his licence comes shall without delay deliver it to the pilotage authority who licensed the deceased pilot; and if any person, without reasonable cause (proof whereof shall lie on him), fails to comply with the requirements of this section, he shall incur a penalty not exceeding *ten pounds*, and any court of summary jurisdiction may, besides inflicting such penalty, by summary order direct such licence to be forthwith delivered up to such authority.

Pilot aggrieved by requirement to deliver up licence may appeal to the Trinity House.

519. Every licensed pilot who considers himself aggrieved by the requirement to deliver up his licence to the pilotage authority by whom he is licensed, may, if such authority be not the Trinity House, within one month after such requirement is made, appeal to the Trinity House, in such manner as they may by byelaw direct, who may confirm or cancel such requirement, on such terms or conditions, if any, as they think just, and their decision shall be binding on all parties.

Rights of Pilots.

Licensed pilots unable to board when entitled to pilotage. 17 & 18 Vict. c. 104. s. 351.

520. If any boat or ship having on board a licensed pilot leads any ship which has not a licensed pilot on board, when such last-mentioned ship cannot from particular circumstances be boarded, the pilot so leading such last-mentioned ship shall be entitled to the full pilotage dues for the distance run as if he had actually been on board and piloted such ship; and such pilot while leading such last-mentioned ship shall keep his pilot flag flying, and such last-mentioned ship shall, while being so led, show the ensign of such ship at her fore.

Allowance to licensed pilot taken out of his district. 17 & 18 Vict. c. 104. s. 357.

521. No pilot, except under circumstances of unavoidable necessity, shall, without his consent, be taken to sea or beyond the limits for which he is licensed in any ship whatever; and every pilot so taken shall be entitled, over and above the pilotage dues payable to him, to the sum of *ten shillings* a day, if he was so taken under circumstances of unavoidable necessity, and otherwise of *twenty shillings* a day, such sums to be computed from and inclusive of the day on which the ship passes the limit up to which he was engaged to pilot her, and up to and inclusive of either the day of his being returned in the said ship to the place where he was taken on board, or, if he is discharged from the ship at a distance from such place, such day as will allow him sufficient time to return thereto; and in such last-mentioned case he shall

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be entitled to his reasonable travelling expenses over and above such pilotage dues and other sums.

Rights of Pilots.

Licensed pilot to be allowed payment for time during which he is kept in quarantine.

522. In case a licensed pilot is placed in quarantine, owing to his having been taken on board any ship, he shall be entitled, over and above the pilotage dues payable to him, to the sum of *ten shillings* a day from and inclusive of the day on which he is placed in quarantine up to and inclusive of either the day on which he is discharged therefrom, or, if he is discharged at a distance from the place where he was taken on board, such day as will allow him sufficient time to return thereto; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses over and above such pilotage dues and other additional sums.

Penalty on making a false declaration to pilot as to draught of ship. 17 & 18 Vict. c. 104. s. 359.

523. If a master, on any licensed pilot beginning to pilot his ship, refuses or neglects to declare to such pilot her draught of water, or himself makes or is privy to any other person making a false declaration or statement to such pilot as to such draught, he shall incur a penalty for every such offence not exceeding *double* the amount of pilotage dues which would have been payable to such pilot.

Power of licensed to supersede unlicensed pilot. 17 & 18 Vict. c. 104. ss. 353, 360, 361.

524. A licensed pilot may, upon showing his proper signal and exhibiting his licence, supersede an unlicensed pilot, but the master shall pay to such unlicensed pilot a proportionate sum for his services, and deduct the same from the charge of the licensed pilot; and in case of dispute the pilotage authority by whom the licensed pilot is licensed shall determine the proportionate sums to which each party is entitled.

Any unlicensed pilot who assumes or continues in the charge of a ship after a licensed pilot has offered to take charge of her, shall for each offence incur a penalty not exceeding *twenty pounds*.

Occasions on which unlicensed persons may act as pilots. 17 & 18 Vict. c. 104. s. 362.

525. An unlicensed pilot may, within any pilotage district, without subjecting himself or his employer to any penalty, pilot a ship, under all or any of the following circumstances:

1. When no licensed pilot has offered to pilot such ship, or made a signal for that purpose:
2. When a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time:
3. For the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where such act can be done by an unlicensed pilot without infringing

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Offences of Pilots.

the regulations of the port, or any orders which the harbour master is legally empowered to give.

Recovery of pilotage dues and additional sums due to pilots.
17 & 18 Vict. c. 104. ss. 363, 364.

526. Pilotage dues shall be recoverable summarily, and all sums made payable to a pilot, over and above the pilotage dues, shall be payable by the same persons and recoverable in the same manner as if they were part of the pilotage dues payable to such pilot.

Offences of Pilots.

Offences of pilots.
17 & 18 Vict. c. 104. s. 365.

527. If any licensed pilot commits, either within or without the district for which he is licensed, any of the following offences :

(1.) Himself keeps, or is interested in keeping by any agent, servant, or other person, any public house or place of public entertainment, or sells or is interested in selling any wine, spirituous liquors, tobacco, or tea ;

(2.) Commits any fraud or offence against the revenues of customs or inland revenue or the laws relating thereto ;

(3.) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels ;

(4.) Lends his licence ;

(5.) Acts as pilot whilst suspended ;

(6.) Acts as pilot when in a state of intoxication ;

(7.) Employs or causes to be employed on behalf of any ship of which he has the charge any steamboat, boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of such ship, whereby the expenses of pilotage are enhanced for his own gain or for the gain of any other person ;

(8.) Refuses or delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence, upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom such pilot is licensed, or by any principal officer of customs ;

(9.) Attempts, upon being so signalled or required, to make any special bargain for salvage ;

(10.) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship ;

(11.) Refuses, when requested by the master, to conduct the ship on board of which he is into any port or place into which

he is licensed to conduct the same, except on reasonable ground of danger to the ship; or,

(12.) Quits the ship which he has undertaken to pilot without the consent of the master, before the service for which he was hired has been performed,

such pilot shall for each offence, in addition to any liability for damages, incur a penalty not exceeding one hundred pounds, and also be liable to suspension or dismissal by the authority by whom he is licensed.

Penalty on pilot endangering ship, life, or limb. 17 & 18 Vict. c. 104. s. 366.

528. If any pilot, when on board any ship for the purpose of piloting her, by breach or neglect of duty, or by reason of drunkenness, either

(*a.*) Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship, or

(*b.*) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb,

he shall for each such offence be deemed guilty of a misdemeanor, and be liable to imprisonment for a period not exceeding *twelve* months with or without hard labour, and, if a licensed pilot, shall also be liable to suspension or dismissal by the authority by whom he is licensed.

Penalty on pilot obtaining charge of a ship by misrepresentation. 17 & 18 Vict. c. 104. ss. 361, 367.

529. If any person by any misrepresentation of circumstances upon which the safety of a ship may depend, or by using a licence to which he is not entitled, becomes employed or endeavours to be employed to pilot such ship, or enables or endeavours to enable any other person to be so employed, or obtains or endeavours to obtain, for himself or any other person, the charge of such ship, he shall, in addition to any liability for damages, incur a penalty not exceeding *one hundred pounds*, and, if a licensed pilot, shall also be liable to suspension or dismissal by the authority by whom he is licensed.

Penalty on licensed pilot receiving too large dues. 17 & 18 Vict. c. 104. s. 358.

530. A licensed pilot demanding or receiving any sum in respect of pilotage services greater than the dues for the time being demandable by law shall for each offence incur a penalty not exceeding *ten pounds*.

Penalty on licensed pilot making improper demands in respect of salvage.

531. A licensed pilot shall not be entitled to sue for, demand, or receive any sum whatever in respect of salvage, except by the

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Pilot Boats and Pilot Signals.

permission of and to the amount approved by the pilotage authority by whom he is licensed, and if any licensed pilot demands or receives any sum in respect of salvage except by such permission and to such amount, he shall forfeit any claim to salvage, and shall be liable to suspension or dismissal by such authority.

Pilot Boats and Pilot Signals.

Pilot boats, how to be provided. 17 & 18 Vict. c. 104. s. 345.

532. All pilot boats regularly employed shall be approved and licensed by the pilotage authority of the district, who may, at their discretion, appoint and remove the masters thereof.

Characteristics of pilot boats. 17 & 18 Vict. c. 104. s. 346.

533. Every pilot boat shall have the following characteristics:—

(1.) On her stern the name of her owner and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her licence:

(2.) In all other parts a black colour painted or tarred outside, or such other colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, direct;

(3.) When afloat during the daytime a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red; and at night two lights (in this Act called pilot lights) one above the other, the upper light white, the lower light red; such pilot flag or pilot lights respectively to be placed at the mast head, or on a sprit or staff, or in some equally conspicuous situation;

And the master of such pilot boat shall be responsible for the following particulars: first, that the pilot boat possess all the above characteristics, and that the pilot flag and pilot lights be kept clean and distinct, so as to be easily discerned at a reasonable distance; secondly, that the names and numbers aforesaid be not at any time concealed or altered; and if default be made in any of these particulars he shall for every such offence incur a penalty not exceeding *twenty pounds*.

Signals to be displayed by ships requiring a pilot.

534. In case any ship requires the services of a pilot, the master of such ship shall display the following signals, (that is to say,) by day a jack at the fore, and at night three lanterns with white lights, where best they can be seen, in a vertical line.

Any master who—

(1.) Displays such signals for any other purpose than that of summoning a pilot; or

(2.) Uses any other signal for a pilot,

shall incur a penalty not exceeding *twenty pounds.*

Trinity House.

Sub-commissioners.

535. Every pilot when on board and in charge of any ship, as such pilot, shall display a pilot flag with his number under the ensign of such ship or in some other equally conspicuous situation, and if he fail to do so shall incur a penalty not exceeding *twenty pounds.*

Pilot, when in charge of ship, to display pilot flag.

The master of every such ship shall permit such flag to be so displayed, and in default shall incur a penalty not exceeding *twenty pounds.*

536. Whenever a licensed pilot in the exercise of his calling as pilot goes off in a boat or ship not in the pilotage service he shall exhibit during the daytime a pilot flag and at night pilot lights, in order to show that such boat or ship has a licensed pilot on board; and if he fails to do so, without reasonable cause (proof whereof shall lie on him), he shall for every such offence incur a penalty not exceeding *fifty pounds.*

Licensed pilot to display flag though not in pilot boat. 17 & 18 Vict. c. 104. s. 347.

537. If a boat or ship, not having a licensed pilot on board, displays a pilot flag or pilot lights, the owner or master of such boat or ship shall for every such offence incur a penalty not exceeding *fifty pounds.*

Penalty on ordinary boat displaying pilot flag. 17 & 18 Vict. c. 104. s. 348.

Trinity House.

538. The regulations with respect to the Trinity House contained in the schedule to this Act shall be observed as if they were enacted in this Act. The Trinity House may, from time to time, by byelaw made under this Act repeal or alter such regulations or any of them.

Trinity House regulations in schedule. See 17 & 18 Vict. c. 104. ss. 368, 387.

Sub-commissioners.

539. The Trinity House shall appoint sub-commissioners (not being more than five nor fewer than three) or inspectors for the examination and inspection of pilots in all districts in which the Trinity House have before the commencement of this Act been used to make such appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners or inspectors in any other part of the Trinity House pilotage district, or unite two or more of such districts under one sub-commissioner or inspector; but a pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by the Trinity House shall not be extended, except with such consent as aforesaid, and no sub-commissioners or

Power of Trinity House to appoint sub-commissioners. 17 & 18 Vict. c. 104. s. 369.

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inspectors so appointed shall be deemed to be pilotage authorities within the meaning of this Act.

Sub-commissioners.

Power of Trinity House of Hull to appoint sub-commissioners.
17 & 18 Vict. c. 104. s. 387.

540. The corporation of the Trinity House in Kingston-upon-Hull shall appoint sub-commissioners (not being more than seven nor fewer than three) or inspectors for the examination and inspection of pilots in all districts in which they have, before the commencement of this Act, been used to make such appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners or inspectors for any other district situate within their jurisdiction, or unite two or more of such districts under one sub-commissioner or inspector; but a pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by the said corporation shall not be extended, except with such consent as aforesaid; and no sub-commissioners or inspectors appointed or to be appointed by the Trinity House in Kingston-upon-Hull shall be deemed to be pilotage authorities within the meaning of this Act, nor shall anything in this Act be held to confer upon the commissioners for regulating the pilotage of the port of Hull and of the Humber any jurisdiction of a different nature or character from that which they have exercised before the commencement of this Act.

SCHEDULE TO PILOTAGE ACT.

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Regulations with respect to the Trinity House.

The Trinity House shall have jurisdiction as a pilotage authority within the following districts (referred to in these regulations as the Trinity House pilotage district); that is to say,

Extent of the Trinity House pilotage district. 17 & 18 Vict. c. 104. s. 370.

1. The London district, consisting of the waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the sea and channels leading thereto or therefrom as far as Ordfordness to the north, and Dungeness to the south:

2. The English Channel District, consisting of the seas between Dungeness and the Isle of Wight:

3. The Trinity House Outport Districts, comprising all parts of the United Kingdom, of the Isle of Man, and of the North Sea and English and Irish Channels which are not for the time being within the district of any other pilotage authority.

Trinity House to license pilots to act within certain limits. 17 & 18 Vict. c. 104. s. 370.

The Trinity House shall, after examination by themselves or their sub-commissioners or inspectors, license under their common seal pilots for the purpose of conducting ships within the limits or any part of the limits of the Trinity House Pilotage District.

Publication of notice of licences of pilots by the Trinity House. 17 & 18 Vict. c. 104. s. 371.

The names of all pilots licensed by the Trinity House shall be published in the manner following:

(1.) The Trinity House shall at their house in London fix up a notice specifying the name and usual place of abode of every pilot so licensed, and the limits within which he is licensed to act:

(2.) The Trinity House shall transmit copies of such notice to the Commissioners of Customs in London, and to the principal officers of customs at all ports or places within the limits for which such pilot is licensed; and such copies shall be posted up at the Custom House in London, and at the custom houses at such ports or places.

Bonds to be given. 17 & 18 Vict. c. 104. s. 372.

Every Trinity House pilot shall, on being licensed, execute, together with two sureties, to be approved by the Trinity House, a deed of covenant to pay to the Trinity House one hundred pounds, in case of the non-observance on his part of the regulations and byelaws of the Trinity House, or in case of his causing any injury or damage to any person, or to the property of any person, through his negligence or want of skill as such pilot, such deed to be free from stamp duty, and to be prepared by the Trinity House without any other charge except the actual expense of preparing the same.

Pilot's liability limited. 17 & 18 Vict. c. 104. s. 373.

Whenever a licensed pilot who has executed such deed of covenant becomes liable to pay damages for neglect or want of skill, the Trinity House, or some person appointed by them, shall as soon as may be assess the damages to be paid by such pilot, so, however, that the amount to be paid by him shall in no

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case exceed the amount covenanted by the deed to be paid, and the amount of pilotage dues payable to him in respect of the voyage in which he was engaged when he became so liable.

If any person to whom the pilot is so liable claims an amount of damages in excess of that assessed to be paid to him under this section, such person shall after such assessment have the same remedy against the pilot for that excess as he would have had if this section had not been enacted; but, save as aforesaid, no such pilot shall be liable in any proceeding for the recovery of damages for neglect or want of skill.

Continuance and renewal of licences. 17 & 18 Vict. c. 104. s. 574.

A licence granted to a pilot by the Trinity House shall not continue in force beyond the thirty-first day of January next ensuing the date of such licence; but the same may, upon the application of the pilot holding such licence, be renewed on any day of January in every year, or any subsequent day, by indorsement under the hand of the secretary of the Trinity House, or such other person as may be appointed by them for that purpose.

Power to revoke and suspend licences. 17 & 18 Vict. c. 104. s. 375.

The Trinity House may revoke or suspend the licence of any pilot licensed by them, in such manner, on such terms, and at such time as they think fit.

Trinity House to make regulations for a constant supply of pilots at Dungeness. 17 & 18 Vict. c. 104. s. 377.

A sufficient number of licensed pilots shall always be ready to pilot ships coming from the westward past Dungeness; and the Trinity House shall, by byelaw to be made as provided in the Merchant Shipping Code (Pilotage Act), 1871, make such regulations with respect to the pilots under their control as may be necessary in order to provide for an unintermitted supply of licensed pilots for such ships, and to insure their constant attendance upon and due performance of their duty both by night and day, whether by cruising between the South Foreland and Dungeness, or by going off from shore upon signals made for the purpose, or by both of such means, or by any other means, and whether in rotation or otherwise, as the Trinity House think fit.

Settlement of difference as to draught of ship. 17 & 18 Vict. c. 104. s. 384.

Whenever any difference arises between the master and the licensed pilot of any ship trading to or from the port of London as to her draught of water, the Trinity House shall, upon application by either party, made, in case of a ship inward bound, either within twelve hours after her arrival or at some time before she begins to discharge her cargo, and in the case of a ship outward bound before she quits her moorings, appoint some proper officer who shall measure the ship, and settle the difference accordingly. And there shall be paid to the officer measuring such ship, by the party against whom he decides, the following sums; (that is to say,) one guinea if the ship be below and half a guinea if the ship be above the entrance of the London Docks at Wapping.

Payments to be made to the pilot fund. 17 & 18 Vict. c. 104.

There shall continue to be paid to the Trinity House, and carried over to the Trinity House Pilot Fund, the sums of money following; (that is to say,)

(1.) A poundage of sixpence in the pound upon the pilotage earnings of all pilots licensed by the Trinity House;

(2.) A sum of three pounds three shillings to be paid on the first day of January in every year by every person licensed by the Trinity House to act as pilot in any district not under the superintendence of sub-commissioners, or in any part of such district;

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And any licensed pilot giving a false account of his earnings, or making default in payment of any sum due from him under this section, shall for each offence incur a penalty equal to double the amount payable, and shall further be liable, at the discretion of the Trinity House, to suspension or dismissal.

Application of fund. 17 & 18 Vict. c. 104. s. 386, and 16 & 17 Vict. c. 129. s. 12.

Subject to any prior charges subsisting thereon by virtue of any Act of Parliament or otherwise, the Trinity House Pilot Fund shall be applied as follows, in the following order; (that is to say,)

(1.) In payment of such expenses as the Trinity House may duly incur in the performance of their duties in respect of pilots and pilotage;

(2.) Then in the payment of all superannuation allowances or other relief which either might have been payable by the Trinity House if the Pilotage Law Amendment Act, 1853, had not passed, to pilots licensed by them before the first day of October one thousand eight hundred and fifty-three, or to the widows and children of such pilots, or are payable by the Trinity House to Cinque Port Pilots licensed before such day as aforesaid, or to the widows and children of such pilots;

(3.) The residue shall (subject to any alteration to be made by the Trinity House) be administered by them for the benefit of those pilots licensed by them after the first day of October one thousand eight hundred and fifty-three, who are incapacitated by reason of age, infirmity, or accident, and of the widows and children of pilots so licensed, or of such incapacitated pilots only.

TABLE of the RATES of PILOTAGE DUES to be demanded and received by Pilots licensed by the

FROM	TO	7 feet and under.			8 feet.			9 feet.			10 feet.			11 feet.		
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
The Isle of Wight, and vicè versâ	The Downs	3	10	0	4	0	0	4	10	0	5	0	0	5	10	0
Off Dungeness to off Folkestone, the church bearing N.N.W. by compass, and vicè versâ	Ditto	0	18	0	1	0	0	1	2	0	1	4	0	1	6	0
Off Folkestone to the South Foreland—the Lights in one, and vicè versâ	Ditto	0	10	0	0	12	0	0	14	0	0	16	0	0	10	0
The Sea, the Downs, Orfordness, or Hoseley Bay, and vicè versâ	The Nore or Warps	3	5	0	3	14	0	4	3	0	4	12	0	5	1	0
	Sheerness, Stangate Creek, or Blackstakes	3	14	0	4	5	0	4	16	0	5	7	0	5	18	0
	Gravesend or Chatham	4	3	0	4	16	0	5	9	0	6	2	0	6	15	0
Pilots duly licensed to conduct Vessels beyond Gravesend, either inwards or outwards, and continuing in charge to or from any of the within-mentioned places, as the case may be, are to be paid — The Sea, the Downs, Orfordness, or Hoseley Bay, & vicè versâ.	Long Reach or Greenhithe	4	7	0	5	1	0	5	15	0	6	9	0	7	3	0
	Erith	4	12	0	5	6	0	6	0	0	6	14	0	7	8	0
	Woolwich or Blackwall	4	14	0	5	9	0	6	4	0	6	19	0	7	14	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks	5	0	0	5	15	0	6	10	0	7	5	0	8	0	0
— The Nore, or Warps, and vicè versâ.	Greenhithe, Long Reach, or Chatham	2	2	0	2	7	0	2	12	0	2	17	0	3	2	0
	Erith	2	5	0	2	11	0	2	17	0	3	3	0	3	9	0
	Woolwich or Blackwall	2	10	0	2	16	0	3	2	0	3	8	0	3	14	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks	2	18	0	3	5	0	3	12	0	3	19	0	4	6	0
The Nore or Warps, and vicè versâ	Sheerness, Stangate Creek, or Blackstakes	0	17	0	1	0	0	1	3	0	1	6	0	1	9	0
	Gravesend	1	15	0	2	0	0	2	5	0	2	10	0	2	15	0
Gravesend Reach, and vicè versâ	Greenhithe or Long Reach	0	9	0	0	13	0	0	17	0	1	1	0	1	5	0
	Erith	0	15	0	1	0	0	1	5	0	1	10	0	1	15	0
	Woolwich or Blackwall	1	0	0	1	6	0	1	12	0	1	16	0	2	4	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks	1	4	0	1	11	0	1	18	0	2	5	0	2	12	0
	Sheerness, Stangate Creek, or Blackstakes	2	10	0	2	15	0	3	0	0	3	4	0	3	10	0
	Chatham	2	18	0	3	3	0	3	8	0	3	13	0	3	18	0
Erith Reach and vicè versâ	Woolwich or Blackwall	0	15	0	0	18	0	1	1	0	1	4	0	1	9	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks	1	1	0	1	4	0	1	7	0	1	10	0	1	15	0
Greenhithe, or Long Reach, and vicè versâ	Woolwich or Blackwall	0	17	0	1	0	0	1	3	0	1	6	0	1	12	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks	1	3	0	1	6	0	1	9	0	1	14	0	2	2	0
	Sheerness, Stangate Creek, or Blackstakes	2	18	0	3	1	0	3	4	0	3	7	0	3	14	0
	Chatham	3	6	0	3	9	0	3	12	0	3	15	0	4	3	0
Woolwich or Blackwall, and vicè versâ	Moorings, London Docks, City Canal, or St. Katharine's Docks	0	17	0	1	0	0	1	3	0	1	6	0	1	9	0
	Sheerness, Stangate Creek, or Blackstakes	3	6	0	3	10	0	3	14	0	3	18	0	4	2	0
	Chatham	3	14	0	3	17	0	4	0	0	4	3	0	4	11	0
Chatham	Sheerness, Stangate Creek, or Blackstakes	1	15	0	1	18	0	2	1	0	2	4	0	2	11	0

From Sea in or out of Ramsgate, Margate, Dover, or Sandwich Harbours, 5*s.* per foot of the vessel's draft of water.

For vessels exceeding 23 feet an increase in the rates for each foot or part of a foot, in the same proportion

The several rates and prices specified above are subject to a reduction of one fourth part, in respect of vessels or towed by a steam vessel for a part only of the distance for which any such rate or price may be payable, the distance so propelled or towed.

Corporation of Trinity House of Deptford Strond, for piloting Ships within the London District.

12 feet.			13 feet.			14 feet.			15 feet.			16 feet.			17 feet.			18 feet.			19 feet.			20 feet.			21 feet.			22 feet.			23 feet.		
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
6	0	0	6	10	0	7	2	0	7	14	0	8	9	0	9	4	0	10	4	0	11	4	0	12	14	0	14	4	0	16	4	0	18	4	0
1	8	0	1	10	0	1	13	0	1	16	0	2	0	0	2	4	0	2	9	0	2	14	0	3	0	0	3	6	0	3	16	0	4	6	0
1	0	0	1	2	0	1	5	0	1	8	0	1	12	0	1	16	0	2	1	0	2	6	0	2	12	0	2	18	0	3	6	0	3	14	0
5	10	0	5	19	0	6	9	0	6	19	0	7	15	0	8	11	0	9	11	0	10	11	0	11	16	0	13	1	0	14	16	0	16	11	0
6	9	0	7	0	0	7	13	0	8	6	0	9	4	0	10	2	0	11	7	0	12	12	0	14	4	0	15	16	0	17	16	0	19	16	0
7	8	0	8	1	0	8	16	0	9	11	0	10	11	0	11	11	0	13	1	0	14	11	0	16	11	0	18	11	0	20	16	0	23	1	0
7	17	0	8	11	0	9	6	0	10	1	0	10	19	0	11	17	0	13	12	0	15	7	0	17	12	0	19	7	0	22	7	0	24	17	0
8	2	0	8	16	0	9	12	0	10	8	0	11	8	0	12	8	0	14	8	0	16	8	0	18	13	0	20	18	0	23	13	0	26	8	0
8	9	0	9	4	0	10	0	0	10	16	0	11	16	0	12	16	0	14	16	0	16	16	0	19	6	0	21	16	0	24	11	0	27	6	0
8	15	0	9	10	0	10	7	0	11	4	0	12	4	0	13	4	0	15	9	0	17	14	0	20	4	0	22	14	0	25	14	0	28	14	0
3	7	0	3	12	0	3	18	0	4	4	0	4	12	0	5	0	0	5	10	0	6	0	0	6	15	0	7	10	0	8	8	0	9	16	0
3	15	0	4	1	0	4	8	0	4	15	0	5	6	0	5	17	0	6	12	0	7	7	0	8	5	0	9	3	0	10	8	0	11	13	0
4	0	0	4	6	0	4	16	0	5	6	0	5	18	0	6	10	0	7	5	0	8	0	0	9	0	0	10	0	0	11	10	0	13	0	0
4	13	0	5	0	0	5	10	0	6	0	0	6	12	0	7	4	0	8	4	0	9	4	0	10	9	0	11	14	0	13	4	0	14	14	0
1	12	0	1	15	0	1	18	0	2	2	0	2	6	0	2	10	0	2	14	0	2	18	0	3	2	0	3	6	0	3	10	0	3	14	0
3	0	0	3	5	0	3	11	0	3	17	0	4	5	0	4	13	0	5	5	0	5	17	0	6	13	0	7	9	0	8	9	0	9	9	0
1	9	0	1	13	0	1	18	0	2	3	0	2	9	0	2	15	0	3	2	0	3	6	0	3	11	0	4	6	0	4	18	0	5	10	0
2	0	0	2	5	0	2	11	0	2	17	0	3	4	0	3	11	0	4	1	0	4	11	0	5	5	0	5	19	0	6	17	0	7	15	0
2	10	0	2	16	0	3	4	0	3	11	0	3	19	0	4	7	0	4	19	0	5	11	0	6	11	0	7	11	0	8	16	0	10	1	0
2	19	0	3	6	0	3	14	0	4	2	0	4	11	0	5	0	0	5	15	0	6	10	0	7	15	0	9	0	0	10	10	0	12	0	0
3	15	0	4	0	0	4	7	0	4	14	0	5	4	0	5	14	0	6	6	0	6	18	0	7	13	0	8	8	0	9	6	0	10	4	0
4	3	0	4	8	0	4	15	0	5	2	0	5	12	0	6	2	0	6	17	0	7	12	0	8	5	0	9	8	0	10	8	0	11	8	0
1	14	0	1	19	0	2	5	0	2	11	0	2	18	0	3	5	0	3	13	0	4	1	0	4	11	0	5	1	0	5	13	0	6	5	0
2	0	0	2	5	0	2	11	0	2	17	0	3	4	0	3	11	0	3	19	0	4	7	0	4	17	0	5	7	0	5	19	0	6	11	0
1	18	0	2	4	0	2	12	0	3	0	0	3	9	0	3	18	0	4	8	0	4	18	0	5	16	0	6	14	0	7	14	0	8	14	0
2	10	0	2	18	0	3	6	0	3	14	0	4	3	0	4	12	0	5	4	0	5	16	0	6	11	0	7	6	0	8	11	0	9	16	0
4	1	0	4	8	0	4	15	0	5	2	0	5	10	0	5	18	0	6	8	0	6	18	0	7	13	0	8	8	0	9	6	0	10	4	0
4	11	0	4	19	0	5	7	0	5	13	0	6	3	0	6	13	0	7	8	0	8	3	0	8	14	0	9	4	0	10	19	0	11	19	0
1	12	0	1	15	0	1	18	0	2	2	0	2	6	0	2	10	0	2	14	0	2	18	0	3	2	0	3	6	0	3	10	0	3	14	0
4	10	0	4	18	0	5	8	0	5	18	0	6	10	0	7	2	0	7	14	0	8	5	0	8	14	0	10	10	0	11	15	0	13	0	0
4	19	0	5	7	0	5	17	0	6	7	0	6	19	0	7	11	0	8	5	0	8	14	0	9	4	0	11	0	0	12	5	0	13	10	0
2	18	6	3	5	0	3	12	0	3	19	0	4	6	0	4	13	0	5	0	0	5	7	0	5	14	0	6	1	0	6	11	0	7	1	0

as between 22 and 23 feet.

propelled by steam and vessels towed by steam-vessels; provided that if any such vessel shall be propelled by steam reduction of one fourth shall be made on such part only of the said rate or price as shall be proportionate to the

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For putting a PILOT on board a VESSEL either from the Cutters or from the Shore.

60 tons and under 150.	150 tons and under 250.	250 tons and under 400.	400 tons and under 600.	600 tons and under 1000.	1000 tons and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1 0 0	1 5 0	1 10 0	2 0 0	2 10 0	3 3 0

Vessels not exceeding 70 tons, chiefly laden inwards with fish, corn, or other provisions, are to pay during the summer months, viz.: from Lady-day to Michaelmas-day inclusive, the following rates only, viz.:—

	£	s.	d.
From Sea to London or vice versâ - -	4	14	6
„ Gravesend to London or vice versâ -	1	5	0

Vessels exceeding 70 tons and not exceeding 100 tons, chiefly laden inwards with fish, corn, or other provisions, are to pay during the summer months, viz., from Lady day to Michaelmas-day inclusive, the following rates for the outward voyage, viz.:—

	£	s.	d.
From London to Gravesend - - -	1	5	0
„ do. to the Nore - - -	2	18	0
„ do. to the Sea - - - -	5	5	0

A pilot taking charge of a foreign vessel, on board of which there may not be any individual qualified to interpret his orders, shall be authorized to employ a person to assist him as leadsman or interpreter; provided it be distinctly understood that the necessity for the employment of such person shall be proved to the satisfaction of the Corporation of Trinity House, in which case only the following rates shall be chargeable in addition to the regular, viz.:—

	£	s.	d.
For the whole run from Sea to Gravesend -	2	10	0
„ ditto from Gravesend to sea -	1	0	0

The additional rate for intermediate portions of a foot, in the draft to be regulated as follows, viz.:—

For three inches and under - - - - No addition.
For more than three inches and under nine inches - The medium between the two rates.
For nine inches and upward - - - The rate for the next foot.

For removing a ship or vessel from moorings into a dry or wet dock, or from one part of the river situated above Blackwall to another part of the river so situated:—

	£	s.	d.
For a ship under 300 tons - - - -	0	15	0
Ditto of 300 to 600 tons - - -	1	1	0
Ditto of 600 to 1000 tons - - -	1	11	6
Ditto *above* 1000 tons - - - -	2	2	0

In the Thames above Gravesend,

			£	s.	d.
For a boat of a class carrying an anchor of above 4 cwt. with a corresponding tow line - - -			2	2	0
Do.	Do.	2 cwt.	1	1	0
Do.	Do.	under 2 cwt.	0	15	0

Per trip for the whole distance from Gravesend to London, and in proportion for any part of that distance. And for each man's service in these boats 8*s.* per tide.

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Preliminary Inquiries.

PART IX.

Conservancy Act.

Preliminary.

Short title.

541. This Act may be cited as the Merchant Shipping Code (Conservancy Act), 1871.

Incorporation of certain sections of General Provisions Act.

542. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1871, relating to Legal Procedure, Orders in Council, Byelaws, Inspectors, and Construction.

Extent of Act.

543. This Act extends to the United Kingdom only.

Preliminary Inquiries.

On application to Parliament for Act to authorise works on tidal lands, &c., power for Board of Trade to institute preliminary inquiries.

14 & 15 Vict. c. 49.

544. Whenever, after the end of the present session, application is made by way of petition to Parliament for statutory powers to construct any work on, in, or over tidal lands, or a tidal water, or the seashore below low-water mark, the following provisions shall have effect:—

(1.) The petitioners shall deposit at the office of the Board of Trade, in addition to any plans or documents there deposited in compliance with the standing orders of either House of Parliament, such statements, plans, and documents as the Board of Trade require:

(2.) The Board of Trade may, if it seems expedient, appoint a competent person to be an inspector, for the purpose of inquiring, in such manner and at such time and place as the Board direct, into any matter relative to the application:

(3.) For the purposes of the inquiry, the inspector shall have the same powers as to the summoning and examination of witnesses as an inspector of the Board of Trade:

(4.) Before instituting any such inquiry the Board of Trade may, if they think fit, require and take security, by way of recognizance to Her Majesty, or otherwise, for the payment of the whole or any part of the expenses to be incurred by them in respect of the inquiry, including the remuneration of the inspector.

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545. With respect to the same applications the following provisions also shall have effect:—

Regulations as to Works.

(1.) In each year the Board of Trade shall furnish to the Admiralty a list of all such applications as aforesaid then pending, with a short statement of the nature of the works for the construction whereof powers are sought in each case:

Like power for Admiralty where interests of Naval Service affected. 25 & 26 Vict. c. 69. s. 4.

(2.) Where in any case, on consideration of the information so furnished, the Admiralty are of opinion that it is proper for them to take steps with a view to the protection of the interests of Her Majesty's Naval Service, they may exercise the like powers as are by this Act given to the Board of Trade; and in that case the provisions of this Act relating to preliminary inquiries shall apply to the Admiralty and any inspector appointed by them, whether the standing orders of either House of Parliament have or have not required any documents to be deposited at the Admiralty Office.

Deposit of plans with Board of Trade under 23 & 24 Vict. c. 152. s. 41., 25 & 26 Vict. c. 69. s. 7.

546. With respect to any application to be hereafter made under The Tramways (Ireland) Act, 1860, section forty-one of that Act shall be read as if the Board of Trade were therein named instead of the Admiralty, and as if the provisions of this Act relating to preliminary inquiries were therein incorporated instead of The Preliminary Inquiries Act, 1851.

Regulations as to Works.

Restriction on works affecting harbours or navigation, under statutory powers. 8 & 9 Vict. c. 20. s. 17., 8 & 9 Vict. c. 33. s. 17., 10 & 11 Vict. c. 27. ss. 12, 13.

547. Where any person has or claims to have a right to construct any work on, in, over, through, or across tidal lands or a tidal water, or the seashore below low-water mark, by virtue of statutory powers for that purpose obtained, the following provisions shall have effect:—

(1.) Before commencing the construction of the work, such person shall deposit at the office of the Board of Trade a plan of the whole work:

(2.) The work shall not be constructed or commenced otherwise than according to a plan approved by the Board of Trade, and on such terms and conditions as may be imposed by the said Board:

(3.) If the land, water, or shore on, in, over, through, or across which the work is to be constructed is under the jurisdiction of a local conservancy authority, the Board of Trade

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Regulations as to Works.

shall not approve such plan until they have consulted such conservancy authority:

(4.) When the work is constructed it shall not be altered or extended without the approval of the Board of Trade:

(5.) Where the land on which the work is to be constructed belongs to Her Majesty in right of Her Crown, and is under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, such person shall, before commencing the construction of the work, give at least one month's notice in writing to such Commissioners, stating the nature and position of the proposed work; and shall not enter on, take, or use any of such land without the consent in writing of the said Commissioners, or one of them, on behalf of Her Majesty, which consent they or he may give:

(6.) If any alteration in any part of the original plans and sections deposited in relation to the work is sanctioned by the special Act, then, before commencing the construction of the work, such person shall deposit a partial plan and section similar to the original, but showing the alteration, with every clerk of the peace, sheriff clerk, town clerk, clerk of poor law union, parish clerk, and schoolmaster (as the case may be) with whom that part of the original was required to be deposited, and also with the Board of Trade:

(7.) If any person acts in any respect in contravention of any provision of this section in relation to any work, the Board of Trade may, at the expense of that person, abate and remove the work and restore the site thereof to its former condition.

Restriction on works affecting harbours or navigation, where there are no statutory powers. 46 G. 3. c. 153. 25 & 26 Vict. c. 69. s. 15.

548. Where any person is desirous of constructing any work on, in, over, through, or across tidal lands, or a tidal water, or the seashore below low-water mark, and claims a right to construct the same otherwise than by virtue of statutory powers for that purpose obtained, the following provisions shall have effect:—

(1.) Before commencing the construction of the work, such person shall deposit at the office of the Board of Trade a plan of the whole work:

(2.) Any person failing to make such deposit shall incur a penalty not exceeding *two hundred pounds*, to be recovered by the Board of Trade, and to go to the use of Her Majesty:

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(3.) If it appears to the Board of Trade that the proposed work will not be or tend to the injury of navigation, or of any right belonging to or enjoyed by the public, the Board of Trade may approve the deposited plan, with or without modification or addition, and subject or not to any restriction or condition necessary for the preservation of any such public right as aforesaid; and the work shall not be constructed otherwise than according to such approval, and when constructed shall not be altered or extended without the like approval; but any such approval shall not confer on any person any right to construct, alter, or extend any work which, independently thereof, he or they would not have had:

(4.) If it appears to the Board of Trade that the proposed work would be or tend to the injury of navigation, or of any right belonging to or enjoyed by the public, the Board of Trade may withhold approval of the deposited plan, and thereupon it shall not be lawful for such person to construct such work.

If any person construct any work in contravention of any provision of the present section, the Board of Trade may, at the expense of that person, abate and remove the work and restore the site thereof to its former condition.

Lights on works.

25 & 26 Vict. c. 19. s. 11., 26 & 27 Vict. c. 92. s. 13.

549. Every person constructing, altering, or extending any work on, in, over, through, or across tidal lands, or a tidal water, or the seashore below low-water mark, shall on or near the work, during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning at his own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve; and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near such work, when completed, always maintain, exhibit, and keep burning every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time require or approve.

If any person fails to comply in any respect with the provisions of this section he shall, for each night on which he so fails, incur a penalty not exceeding *twenty pounds*.

Approval of Board of Trade to plans for bridge over tidal river.

550. Where a person is authorised or required by statutory powers obtained since the twenty-eighth of July one thousand eight hundred and sixty-three to construct a bridge or other work over a navigable tidal water, and the special Act conferring such powers

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Regulations as to Works.

26 & 27 Vict. c. 92. s. 14.

does not make express provision respecting the span or spans thereof, then such person shall construct the same span or spans of such headway and waterway, and with such opening span or spans (if any), and according to such plan, as the Board of Trade direct or approve.

User of bridges.

26 & 27 Vict. c. 92. s. 15.

551. Where a bridge is constructed by virtue of statutory powers obtained since the twenty-eighth of July one thousand eight hundred and sixty-three with an opening span, it shall not be lawful to detain any vessel at the bridge or work for a longer time than may be necessary for admitting an engine, carriage, or other vehicle approaching the bridge to cross the bridge, and for opening the bridge to admit the vessel to pass; and the person constructing, owning, or managing such bridge shall be subject to and shall abide by such regulations with regard to the user of the bridge as may from time to time be made by the Board of Trade.

If such person detains a vessel longer than the time aforesaid, or fails in any respect to abide by any such regulation as aforesaid, he shall for every such offence incur a penalty not exceeding *twenty pounds*, without prejudice to any remedy against him for any loss or damage sustained by any person.

Access to seashore under or across work.

26 & 27 Vict. c. 92. s. 16.

552. Where a work constructed by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three cuts off access between the land and tidal water or tidal lands, then and in every such case the person constructing such work shall, during the construction thereof, and from time to time thereafter, make and shall permanently maintain, and allow to be used by all persons, at all times, free of toll or other charge, all such footways and carriageways over, under, or across the work, or on a level therewith, as the Board of Trade from time to time direct or approve: Provided always, as follows:

(1.) Such person shall not be obliged to make a footway or carriageway over lands for the use of any owner or occupier who has agreed to receive and has been paid compensation for the severance thereof from the tidal water or tidal lands:

(2.) Such person shall not be obliged to make or to allow to be made a footway or carriageway in such manner as would interfere with the working or using of the work:

(3.) The expense of the making and maintenance of a footway or carriageway required to be made after the construction of the work shall be defrayed by the person interested in the tidal water or tidal lands for whose benefit or convenience the same is required.

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Where the footway or carriageway is made across a railway on the level, then the manner of the making and watching of the level crossing shall be subject to the approval of the Board of Trade; and where the level crossing is made after the construction of the railway, then all expenses attending the watching thereof shall be defrayed by the person interested in the tidal water or tidal lands for whose benefit or convenience the same is required.

Provision for preventing deviation of works along sea or tidal river without consent of Board of Trade. 26 & 27 Vict. c. 92. s. 17.

553. Where a work constructed by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three skirts a public navigable tidal water, the work shall not deviate from the continuous centre line thereof marked on the plan deposited at the office of the Board of Trade, even within the limits of deviation shown on that plan, in such manner as to diminish the navigable space, without the previous consent of the Board of Trade, or otherwise than in such manner as may be expressly authorized by the Board of Trade.

If any deviation is made in contravention of the present section, the Board of Trade may, at the expense of the person constructing the work, abate and remove the work in the construction whereof the deviation is made, or any part thereof, and restore the site thereof to its former condition.

Power for abatement of works disused. 26 & 27 Vict. c. 92. s. 18.

554. If any work, which is by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three, constructed on, in, over, through, or across tidal lands or a tidal water, or the seashore below low-water mark, is abandoned or suffered to fall into decay, the Board of Trade may, at the expense of the person liable to repair and maintain it, abate and remove it or any part of it, and restore the site thereof to its former condition.

Power for local survey. 26 & 27 Vict. c. 92. s. 19.

555. If at any time the Board of Trade deem it expedient for the purposes of any special Act or of this Act to order a survey and examination of any work which is, by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three constructed or to be constructed on, in, over, through, or across tidal lands or a tidal water, or the seashore below low-water mark, or of the intended site of such work, the person constructing or proposing to construct the work, or liable to repair and maintain it, shall defray the expenses of such survey and examination.

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Injuries to Navigation.

Injuries to Navigation.

Restriction on deposit of ballast or rubbish.
19 G. 2. c. 22. ss. 1, 2.
54 G. 3. c. 159. ss. 11, 12, 13, 15.
34 & 35 Hen. 8. c. 9. s. 6.

556. If any person commits any of the following offences; that is to say,

(1.) Casts or causes to be cast, or suffers to fall, either from on board ship or from land, any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing on any tidal land or into any harbour, or tidal water, or into the sea below low-water mark, so as to be or tend to the injury of navigation; or

(2.) Casts or causes to be cast, or suffers to fall, any such substance or thing on land in a position where the same may be liable to fall or descend or be carried or washed down by ordinary or high tides, or by any stream or flow of water, or by any storm or flood, or otherwise, into any harbour, or tidal water, or into the sea, so as to be or tend to the injury of navigation; or

(3.) Casts or places or leaves or causes to be cast, placed, or left, any ship or boat laid by or neglected as unfit for sea service, any floating or other timber, or any other thing, on any tidal lands or in any harbour or tidal water, or in the sea, so as to be or to tend to the injury of navigation;

he shall for each offence incur a penalty not exceeding twenty pounds, and shall also be liable to pay the expenses of the removal to a proper position of any such substance or thing.

Any such penalty may be recovered only on the prosecution of the Board of Trade, or of the harbour authority or conservancy authority having jurisdiction at the place where the offence is committed, or the injury to navigation is or would be produced, acting with the consent of the Board of Trade.

The amount of any such expenses may be recovered summarily, with costs.

Removal of wreck.

557. If any vessel is sunk, stranded, or abandoned in any harbour or tidal water, or on the seashore, in such a way as to tend to the injury of navigation, such vessel, together with the tackle thereof and the goods (if any) therein, (all of which are in this section included under the term the wreck,) may be removed in the following manner:

(1.) The harbour or conservancy authority having jurisdiction over the place where the wreck may be, or if there is no such authority, then the general lighthouse authority of the district shall give notice in writing to the owner of

such vessel, or to an agent of such owner, that he is required within a time specified in such notice either to remove the wreck in a manner satisfactory to the authority or to undertake, under security satisfactory to the authority, to remove the wreck in a manner satisfactory to and within a time to be fixed by the authority:

(2.) In either of the following cases; (that is to say,)

a. If neither the owner nor the agent of the owner is known to or can be discovered by the authority; or

b. If neither the owner nor the agent of the owner is resident within the United Kingdom,

such authority shall send a notice in writing to the secretary of the Committee for managing the affairs of Lloyd's in London, that the owner is required within a time specified in the notice to remove the wreck, or to undertake, under such security as aforesaid, to remove the same, and such notice shall be placed by the said secretary in some conspicuous situation for the inspection of persons desirous to examine the same, and shall be deemed for all purposes a notice to the owner:

(3.) In case the owner fails within the time specified in the notice to remove the whole of the wreck in a way satisfactory to the proper authority, or to enter into such undertaking as aforesaid to remove the same, or having undertaken to remove the wreck fails to remove it in accordance with his undertaking, then the authority may remove the wreck, and may recover summarily from the owner the expenses incurred in removing it (in this section referred to as the expenses of removal):

(4.) The proper authority may, for the purposes of removal, destroy the wreck or any part of it, and may remove and take possession of the wreck or any part of it; and may sell the same, and may out of the proceeds (if any) of such sale without any reference to the part of the wreck from the sale of which such proceeds may accrue, reimburse themselves for the whole of the expenses of removal, and shall after reimbursing themselves render the surplus, if any, to the owner:

(5.) If the proceeds of such sale are insufficient to pay the whole expenses of removal, the authority may recover summarily the balance from the owner of the vessel, if such vessel was stranded or sunk by his fault or negligence, or from any

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other person by whose fault or negligence the vessel was stranded or sunk:

(6.) If such harbour or conservancy authority fail within fourteen days' notice in writing from the general lighthouse authority of the district, to remove, or to take steps to cause the owner of the vessel to remove the wreck, then such general lighthouse authority shall be deemed the proper authority to remove the same:

(7.) The expenses of removal incurred by the general lighthouse authorities in pursuance of this section upon any default of a harbour or conservancy authority, shall in the first instance be payable out of the mercantile marine fund, and shall be recoverable from such harbour or conservancy authority, with costs.

Power to make bye-laws respecting removal of ballast, shingle, &c. from shore. 54G.3.c.159. s. 14. 25 & 26 Vict. c. 69. s. 16.

558. Any harbour or conservancy authority, or, where there is no such authority having jurisdiction at or near the place, the Board of Trade, may from time to time make byelaws for regulating, restricting, or prohibiting the taking away of any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing from any tidal land, or a tidal water, or from the seashore below low-water mark, where such taking away may tend to the injury of navigation or of any right belonging to or enjoyed by the public.

Restriction on removal of ballast, shingle, &c. from shore under management of Board of Trade.

559. Where any tidal land or tidal water, or the shore below low-water mark, is under the management of the Board of Trade in pursuance of the Crown Lands Act, 1866, and any person takes away any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing from such land, water, or shore, and the Board of Trade are of opinion that such taking away is or tends to the injury of navigation, or of any right belonging to or enjoyed by the public, the Board of Trade may serve on such person if known to them, or if he is not known to them may publish, in such manner as they deem fit, a notice forbidding the taking away of any such substance or thing from such place; and if after the service or publication of such notice, as the case may be, any person takes away any such substance or thing contrary to such notice, he shall incur a penalty not exceeding ten pounds.

Series of acts tending to injury of navigation.

560. An act shall be deemed to tend to the injury of navigation in any case where a series of like acts has produced or would produce injury to navigation.

561. Nothing in this Act shall be deemed—

Determination as to which of two bodies is the Conservancy Authority.

(1.) To affect any provision of the Merchant Shipping Code, 1871, relative to wreck or shipwrecked property:

(2.) To affect any enactment or regulation relating to Her Majesty's customs:

Saving for powers independent of this Act. 29 & 30 Vict. c. 62.

(3.) To affect any jurisdiction, right, power, or remedy of the Board of Trade, as having the management over any tidal water, tidal lands, or seashore under The Crown Lands Act, 1866:

(4.) To take away, supersede, or abridge any jurisdiction, right, power, or remedy existing independently of this Act, for the abatement of or the imposition of punishment for any nuisance affecting the sea or any harbour or tidal water or tidal lands, or affecting navigation, or affecting any right belonging to or enjoyed by the public over tidal water or tidal lands:

And the provisions of this Act respecting anything in the present section mentioned shall be deemed to be in addition to and not in substitution for or in restraint of any other enactment, regulation, jurisdiction, right, power, or remedy for the like object; and all enactments, regulations, jurisdictions, rights, and remedies in this section mentioned or referred to shall remain operative, and be (as far as may be) as if this Act had not been passed; but so, nevertheless, that nothing herein shall be deemed to authorise that any person be sued or prosecuted twice in respect of the same matter.

Determination as to which of two bodies is the Conservancy Authority.

562. If in any case a question arises as to which of two or more bodies or persons is, for the purposes of this Act, the conservancy authority in any district, it shall be lawful for Her Majesty, by Order in Council, to declare that one of such persons or bodies is the conservancy authority in such district; and the body or person so declared to be shall for such purposes be the conservancy authority in such district.

Power to determine authorities by Order in Council.

Transfer to Board of Trade of Powers under existing special Acts.

563. Where any special Act coming into operation before the thirty-first of December one thousand eight hundred and sixty-two,—

Powers for protection of navigation, &c. under local acts for works on tidal lands,

(1.) Authorising or regulating the construction of any work on, in, over, through, or across tidal lands or water, or the seashore above or below high-water mark; or,

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Transfer to Board of Trade of Powers under existing special Acts.

(2.) Authorising or regulating the construction or improving of a harbour, dock, or pier, or works connected therewith, by any persons or person; or

(3.) Constituting or altering or regulating the constitution of any harbour or conservancy authority; or

(4.) Altering or regulating the powers or duties of any harbour or conservancy authority,—

&c. to be exercised by Board of Trade.

25 & 26 Vict. c. 69. ss. 6, 8.

contains, either expressly or by incorporation or reference or otherwise, any provision for any of the purposes following,—

(1.) For preventing the construction or execution of any work or the doing of anything without the consent or approval of the Admiralty, for requiring the deposit of plans of any works with the Admiralty, or for authorising or requiring any work to be constructed, executed, or maintained, or any thing to be done, with the consent or on the requisition or to the satisfaction of the Admiralty;

(2.) For empowering the Admiralty to exercise any authority concerning lifeboats, mortars, rockets, tide gauges, or barometers to be provided by any undertakers;

(3.) For empowering the Admiralty to make a local survey or examination at the expense of any person;

(4.) For empowering the Admiralty, in case of any work being abandoned or suffered to fall into disuse or decay, or in any other case, to abate, remove, or alter any work or any part of it, or restore the site thereof to its former condition, at the like expense;

(5.) For empowering the Admiralty to exercise any authority concerning lights to be maintained at night during the construction or execution of any work;

(6.) For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint a member or members of any board or body of trustees, commissioners, or conservators, or of any harbour or conservancy authority;

(7.) For empowering the Admiralty to determine any dispute or difference between or among any persons;

(8.) For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint any arbitrator, referee, or umpire, or any engineer, inspector, or officer, or any person to fill any place or discharge any duty under such Act;

or any other provision for the protection, management, or regulation of harbours or navigation, or for the exercise of any control or power over or in relation to any harbour authority, or any other

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Transfer to Board of Trade of Powers under existing special Acts.

provision in anywise relating to conservancy, or authorising or requiring any act or thing concerning harbours or navigation or conservancy to be done by or in relation to the Admiralty,—

Then as from the thirty-first day of December one thousand eight hundred and sixty-two such Acts and all enactments relative thereto shall be read and construed as if in the respective provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

Power to Admiralty to retain authority over ports, &c. where dockyards, &c. are situate. 25 & 26 Vict. c. 69. s. 9.

564. Where it appears to the Admiralty that the interests of Her Majesty's naval service require that the whole or any part of any harbour, port, bay, estuary, or navigable river in, on, or adjoining to which there is any of Her Majesty's dockyards, victualling yards, steam factory yards, arsenals, or naval stations, should be excepted, either entirely or in some respects, out of the operation of the last foregoing section, the Admiralty may give notice in writing to the Board of Trade that any such harbour, port, bay, estuary, or navigable river as aforesaid, or such part thereof as is in the notice specified, is to be deemed so excepted, either entirely or in the respects therein mentioned; and every such notice shall be published by the Admiralty in the London, Edinburgh, or Dublin Gazette, (according as the place affected may be in England, Scotland, or Ireland,) and thereupon the harbour, port, bay, estuary, or navigable river to which such notice relates, or the part thereof therein specified, shall either entirely or in the respects therein mentioned, as the case may require, be and remain as if the last foregoing section had not been inserted in this Act, but any such notice may be from time to time varied or at any time revoked by a like notice published in like manner.

Exception as to Mersey and Thames. 25 & 26 Vict. c. 69. s. 10., 5 & 6 Vict. c. cx., 20 & 21 Vict. c. cxlvii. s. 3.

565. Nothing in the provisions of this Act respecting transfer of power shall affect—

(1.) The Act of the session of the fifth and sixth years of Her Majesty, chapter one hundred and ten (local), "for better "preserving the navigation of the river Mersey;" or

(2.) So much of section three of the Act of the session of the twentieth and twenty-first years of Her Majesty, chapter one hundred and forty-seven (local), "to provide for the "conservation of the river Thames, and for the regulation, "management, and improvement thereof," as empowers the Admiralty to appoint two of the conservators of the river Thames.

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Transfer to Board of Trade of Powers under existing special Acts.

566. Nothing in the provisions of this Act respecting transfer of powers shall affect—

(1.) Any estate, right, title, interest, prerogative, royalty, jurisdiction, or authority of or belonging to Her Majesty the Queen, Her heirs or successors, in right of Her Crown, or of Her office of admiral, or otherwise:

Saving for prerogative of Crown and general conservancy powers of Admiralty. 25 & 26 Vict. c. 69. ss. 18, 19.

(2.) Any right, duty, power, jurisdiction, or authority vested in or performed or exercised by, or capable of being performed or exercised by, the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral, otherwise than under or by virtue of the several Acts and parts of Acts expressly mentioned or referred to in the provisions of this part of this Act respecting transfer of powers.

Saving for past acts, contracts, and appointments, and proceedings pending, &c. 25 & 26 Vict. c. 69. ss. 18, 19.

567. Nothing in the provisions of this Act respecting transfer of powers shall affect—

(1.) Any nomination or appointment of any member of any board or body of trustees, commissioners, or conservators, or of any harbour or conservancy authority, or other act or thing before the thirty-first of December one thousand eight hundred and sixty-two made or done under any such Act as aforesaid:

(2.) Any action, suit, prosecution, proceeding, or thing commenced before the thirty-first of December one thousand eight hundred and sixty-two under or by virtue of any such Act; and the same shall and may be carried on and completed as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty.

Saving of powers under local Acts.

568. Wherever by a local Act powers are given to any harbour or conservancy authority for the same purposes for which powers are given to such authority by this Act, it shall be lawful for such authority to exercise as well the powers given by such local Act as the powers given by this Act.

Provided that nothing in this Act shall render anyone liable to be proceeded against a second time either civilly or criminally for the same act, omission, or offence.

Provision for Notices under Artillery Ranges Act, 1862 being given to Board of Trade. 25 & 26 Vict. c. 36. s. 2.

569. From and after the passing of this Act, section two of The Artillery Ranges Act, 1862, shall be read as if the Board of Trade were therein named instead of the Lords of the Admiralty.

PART X.

Harbours Act.

Preliminary.

Preliminary.

Short title.

570. This Act may be cited as the Merchant Shipping Code (Harbours Act), 1871.

Definitions. 10 & 11 Vict. c. 27. s. 3.

571. In this Act the term "dues" includes, in addition to the meaning given to it in the Merchant Shipping Code (General Provisions Act), 1871, any due, rate, duty, or other payment in the nature thereof, payable under a special Act.

The term "collector of dues" means the person appointed by any harbour authority to collect the dues by the special Act authorized to be levied by them, and includes the assistants of such collector.

Incorporation of certain sections of General Provisions Act.

572. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1871, relating to Legal Procedure, Orders in Council, Byelaws, Dues, Detention of Ships, and Construction.

Extent of Act.

573. This Act, except as expressly otherwise provided, extends to the United Kingdom only.

Application of Act. See 25 & 26 Vict. c. 19. s. 21.

574. This Act shall not apply to or affect any special Act passed before the commencement of this Act, or any harbour authority constituted by or in virtue of, or anything done or to be done under, such special Act; but every harbour authority constituted by or in virtue of any special Act passed after the commencement of this Act, and their harbour, shall be subject to the provisions of this Act and of every general Act relating to merchant shipping, harbours, navigation, or dues in force at the time that their special Act comes into operation, or to be afterwards passed, and to any revision or alteration, under the authority of Parliament, of the dues authorized by their special Act.

Power to apply Act to existing harbour authorities.

575. Any harbour authority to whom this Act does not apply may petition Her Majesty to make the provisions of this Act, or any of them, apply to such harbour authority, and it shall be lawful for Her Majesty by Order in Council to declare that the said provisions apply, and they thereupon shall apply, to such harbour authority.

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Special Acts for Harbours.

Special Acts for Harbours.

Access to special Act.
10 & 11 Vict. c. 27. ss. 97, 98.

576. Every harbour authority hereafter constituted or authorised by any special Act shall be subject to the following provisions:

(1.) They shall within one month after their special Act comes into operation deposit a copy thereof, printed by one of Her Majesty's printers, in England or Ireland with the clerk of the peace, and in Scotland with the sheriff clerk, of the county in which the harbour or any part thereof is situate:

(2.) They shall always after their special Act comes into operation keep a copy thereof printed as aforesaid in their principal office of business, and shall allow any person at any reasonable time, on payment of *one shilling*, to inspect and make extracts from it:

(3.) If any harbour authority fail to comply in any respect with the provisions of this section, they shall incur a penalty not exceeding *twenty pounds* for each failure, and a further penalty of *five pounds* for every day during which such failure continues.

Lands Clauses Act to be incorporated in the special Act of every harbour.

577. The Lands Clauses Acts shall be incorporated in the special Act by which any harbour authority is constituted after the commencement of this Act, and shall apply to all works to be constructed or lands to be purchased by such harbour authority, and for the purposes of this Act the expression "the promoters of the undertaking" and "the special Act" shall, whenever used in the Lands Clauses Acts, mean respectively "the harbour authority" and "the special Act by which such authority is constituted," but the provisions of the Lands Clauses Acts with reference to the purchase or taking of land otherwise than by agreement shall not apply to any lands which the harbour authority are not authorised by their special Act to purchase or take otherwise than by agreement, and shall not authorise them to take or purchase otherwise than by agreement any lands which they are not authorised so to take or purchase by their special Act.

Correction of errors and omissions in plans and books of reference.
10 & 11 Vict. c. 27. s. 7.

578. Where in any plan or book of reference deposited for the purposes of any special Act relating to a harbour any error or omission respecting any land or the interest of any person in land is found, the following provisions shall take effect:

(1.) The person concerned may apply in England or Ireland to two justices, and in Scotland to the sheriff, for the correc-

tion of the error or omission, after giving not less than ten days notice to the owner or reputed owner, lessee or reputed lessee, and occupier of the land:

(2.) If it appears to the justices or to the sheriff that the error or omission arose from mistake, the justices or the sheriff shall so certify, stating the particulars of the error or omission:

(3.) An examined copy of the certificate shall be deposited with every clerk of the peace, sheriff clerk, town clerk, clerk of a poor law union, parish clerk, and schoolmaster (as the case may be), with whom that part of the original plan or book in which the error or omission is found was required to be deposited, and also with the Board of Trade:

(4.) Thereupon that part of the plan or book shall be deemed corrected according to the certificate.

Harbour Dues.

Harbour dues.

Power to raise or lower dues. 10 & 11 Vict. c. 27. s. 30.

579. Subject to the operation of any Act in force at the commencement of this Act, and not repealed during the present session, and to the provisions of the Merchant Shipping Code (Shipping Dues Act), 1871, every harbour authority, whether constituted before or after the commencement of this Act, may from time to time raise or lower the dues levied by them as they think fit, so as the dues levied by them never exceed the maximum dues which they are authorized to levy.

Right of unobstructed access to harbour on payment of dues. 10 & 11 Vict. c. 27. s. 33. 25 & 26 Vict. c. 19. s. 13.

580. Subject to any lawful restriction existing at the commencement of this Act, and not removed by any Act of the present session, every harbour and its approaches shall on payment of dues be open to all persons for the shipping or unshipping of goods and passengers, and such persons and passengers shall have at all times unobstructed ingress, passage, and egress into, through, and out of the same.

Compositions for dues. 10 & 11 Vict. c. 27. s. 32.

581. Every harbour authority may accept payment in advance of a yearly or other composition for the dues payable to them by any person, or in respect of passengers or their luggage carried in that person's ships; but so that, in that case, every other person under like circumstances shall be entitled to make a like composition on the like terms.

Power for harbour authority to contract

582. Every harbour authority may grant to passengers, promenaders, and others pass tickets for the use of any pier or other part

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Harbour dues.

for use of pier or works.

of their works, on such terms, and for such a period, not exceeding one year, as may be agreed upon, but so that no preference be given to any person.

Such a pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use.

If any person acts in any way in contravention of this section, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence incur a penalty not exceeding twenty shillings.

Prohibition of levying of dues before completion of harbour.
10 & 11 Vict. c. 27. ss. 25, 26.

583. No harbour authority constituted or acting under any special Act shall take any dues until their harbour is completed to the extent specified in that behalf in such Act, or (if no such extent is therein specified) is completed entirely, and, in either case, is made fit for the reception of ships, or for whatever purpose it or any part of it is intended.

A certificate signed in England or Ireland by the chairman of quarter sessions, and in Scotland by the sheriff, shall be conclusive evidence of such completion or fitness; and the chairman or sheriff shall sign and give such a certificate on being satisfied of such completion and fitness.

Lists of dues.
10 & 11 Vict. c. 27. s. 47.

584. Every harbour authority shall before taking any dues put up, and shall at all times keep exhibited, in front of their principal office, and on some conspicuous part of their harbour, boards having painted or affixed thereon lists in large characters of the dues for the time being payable.

If any harbour authority fail to comply with any of the requirements of this section, they shall incur a penalty not exceeding *five pounds* for every day during which such failure continues.

Byelaws respecting dues.
10 & 11 Vict. c. 27. ss. 34–37.

585. Every harbour authority shall have power, by byelaw made under this Act, from time to time to do all or any of the following things respecting dues payable or belonging to them, and the collection thereof for and within the limits of the harbour; namely,—

(1.) To empower the collector of dues, either alone or with other persons, to enter a ship in order to ascertain the dues payable in respect of the ship or of goods therein:

(2.) To require the master of every ship to report his arrival within a specified time (not being less than twenty-four hours) after his arrival:

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(3.) To require the master of every British ship to produce the certificate of registry to the collector of dues on demand:

And also, where cargo or goods are liable to the payment of dues to such harbour authority,

(4.) To require the master of every ship to give a copy of the bill of lading or manifest of the cargo or other proper account of goods intended to be unshipped, and the name of the consignee or other person to whom they are intended to be delivered:

(5.) To require the master of every ship to give to the collector, if required, notice of the intended time of unshipment:

(6.) To require from shippers of goods accounts of the goods intended to be shipped:

(7.) To regulate the time when dues on goods shipped or unshipped are to be payable.

Ships returning from stress of weather.

10 & 11 Vict. c. 27. s. 29.

586. If any ship for which the dues have been paid is obliged, from stress of weather or other sufficient cause, after leaving the harbour, to return with the same cargo (if any), and without breaking bulk, the dues paid in respect of such ship shall not again be payable.

In case of difference, power to weigh or measure goods and detain ship.

10 & 11 Vict. c. 27. ss. 40, 41.

587. Where a difference arises between the collector of dues and the master of a ship or the owner of goods respecting the weight or quantity of any goods liable to dues,—

(1.) The collector may cause the goods to be weighed or measured, and for that purpose may, if necessary, detain the ship containing the goods:

(2.) If the weight or quantity exceeds that alleged by the master or owner, the expenses of the weighing or measuring shall be paid to the harbour authority, and shall be recoverable as dues are recoverable:

(3.) If the weight or quantity does not exceed that alleged as aforesaid, the expenses of the weighing or measuring, and of the detention of the ship, shall be paid by, and shall be recoverable summarily from the harbour authority.

Power for collector of customs to withhold clearance until dues paid.

10 & 11 Vict. c. 27. s. 48.

588. The collector or other proper officer of Her Majesty's customs for the district within which any harbour is situate may, with the consent of the Commissioners of Her Majesty's Customs, refuse to receive any entry, or give any cocquet, discharge, or clearance, or to take any report inwards or outwards of any ship liable to dues payable to a harbour authority, until the master of the ship produces to him a certificate, under the hand of the collector of such dues, that the dues so payable in respect of the ship, and any goods im-

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Harbour dues.

ported or exported in it, have been paid; or if there is any difference as to the dues payable, until such collector or officer of customs is satisfied that sufficient security has been given for the payment of the dues when ascertained, and of the expenses arising from nonpayment thereof.

Power for Board of Trade to revise dues in certain cases. 25 & 26 Vict. c. 19. s. 14.

589. Where any harbour authority manage the harbour for the purpose of profit, then if at any time it appears to the Board of Trade that the clear annual profits divisible on the paid up capital of such authority, on the average of the then three last preceding years, amount to or exceed the rate of ten per centum per annum on the nominal value of such capital, the Board of Trade may, if they think fit, require the authority to reduce the dues levied by them to such extent as the Board of Trade think fit. If the authority refuse or neglect to comply with any such requirement, they shall incur a penalty not exceeding *fifty pounds* for every day during which such refusal or neglect continues. But if afterwards the profits fall below the said rate of ten per centum per annum, the authority may, with the consent of the Board of Trade, again raise the dues, but not so as to exceed the maximum rates which they are authorised to levy; and so toties quoties.

Accounts.

Accounts.

Contents of accounts. 10 & 11 Vict. c. 27. s. 49.

590. Every harbour authority shall keep accounts showing—

(1.) The dues received by or payable to them in respect of any ship:

(2.) The tonnage of every ship in respect of which such dues are received or payable:

(3.) The name of the master thereof:

(4.) The port to which the ship belongs:

(5.) The place from which on each occasion the ship arrives:

(6.) The place to which on each occasion the ship is bound; and

(7.) The dues on goods shipped or unshipped received by or payable to them.

Annual account. 10 & 11 Vict. c. 27. s. 50.

591. Every harbour authority shall in and for every year ending the thirty-first day of December, or some other convenient day, prepare an account in abstract showing the total receipt and expenditure of all moneys levied by them, under the several distinct heads of receipt and expenditure, with a statement of the balance of the account duly audited and certified by their clerk or secretary, and shall, within one month after the day up to which the account is made up, send a copy thereof, in England or Ireland, to the clerk of the peace, and, in Scotland, to the sheriff clerk, of the county or each of the counties in which the

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Accounts.

harbour or any part thereof is situate. Every such account shall be open for public inspection at all reasonable times on payment of one shilling. If any harbour authority refuse or neglect to comply in any respect with the provisions of the present section, they shall for each offence incur a penalty not exceeding *twenty pounds.*

Audit of accounts on complaint to Board of Trade in certain cases. 25 & 26 Vict. c. 19. ss. 15, 16.

592. Where any harbour authority manage the harbour for the purpose of profit such authority shall, within one month after sending such account as aforesaid, also send a copy thereof to the Board of Trade, who shall forward a copy to any person who may require it. If the harbour authority refuse or neglect to send such account they shall for each offence incur a penalty not exceeding *twenty pounds.* If, on complaint in writing by any person interested, there appears to the Board of Trade reasonable ground for believing that such account has not been duly kept, or that any dues have been improperly or unfairly levied by such authority, or have not been duly applied, the following provisions shall have effect:

(1.) The Board of Trade may appoint an auditor to audit and examine such account, and inquire into the matters complained of, and report to the Board of Trade on such account and matters:

(2.) The harbour authority shall, on demand, produce to the auditor all or any of their accounts, books, deeds, papers, writings, and documents, and afford to him all reasonable facilities for examining and comparing the same, and, in default, shall for each offence incur a penalty not exceeding *ten pounds:*

(3.) In case the complaint is in the judgment of the Board of Trade found to be true, the reasonable expenses of the auditor, fixed by the Board of Trade, shall be paid to the Board of Trade by the harbour authority:

(4.) In case the complaint is not in the judgment of the Board of Trade found to be true, the reasonable expenses of the auditor, fixed by the Board of Trade, shall be paid to the Board of Trade by the complainant.

Officers and servants.

Appointments and duties of harbour masters and other officers. 10 & 11 Vict. c. 27. ss. 51, 81.

593. Every harbour authority may appoint and remove harbour masters (under which term is in this Act included dock masters and pier masters) and collectors of dues, weighers and meters, wharfingers, and other necessary or proper officers and servants, and fix their remuneration, and may license porters and carriers employed within

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Officers and servants.

the limits of the harbour, and may assign to such masters, collectors, and other officers, servants, porters, and carriers, such powers and duties as seem proper.

Power of harbour master. 10 & 11 Vict. c. 27. s. 52.

594. The harbour master may give directions for all or any of the following purposes; (that is to say,)

(1.) For regulating the time at which and the manner in which any ship shall enter into, or go out of, or lie in the harbour and within the prescribed limits, if any, and her position, mooring or unmooring, placing or removing whilst therein:

(2.) For regulating the position in which any ship shall take in or discharge her cargo, or any part thereof, or shall take in or land passengers, or shall take in or deliver ballast within the harbour:

(3.) For regulating the manner in which any ship entering the harbour shall be dismantled, as well for the safety of such ship as for preventing injury to other ships and to the harbour:

(4.) For regulating the quantity of ballast in the hold which each ship in the harbour shall have during the delivery of her cargo, or after having discharged the same.

Employment of weighers and meters. 10 & 11 Vict. c. 27. s. 82.

595. When a sufficient number of weighers and meters are appointed under this Act, the master of any ship, or the owner of any goods shipped, unshipped, or delivered within the limits of the harbour, shall not employ any person other than a weigher or meter appointed under this Act (except a weigher or meter appointed by the Commissioners of Her Majesty's Customs) to weigh or measure such goods. If any person other than a weigher or meter so appointed weighs or measures any such goods, he, and also any person knowingly employing him, shall for every such offence be each liable to a penalty not exceeding *five pounds;* and the weighing or measurement of any such goods by him shall be deemed illegal.

Penalty on offering bribes to officers. 10 & 11 Vict. c. 27. s. 55.

596. If any person gives or offers any money or thing by way of reward or bribe to any harbour master, collector of dues, or other officer employed about a harbour, for the purpose of gaining an undue preference in the execution of his office, or for the purpose of inducing him to do or omit to do anything relating to his office, he shall for every such offence incur a penalty not exceeding *twenty pounds.*

Special constables. 10 & 11 Vict. c. 27. s. 79.

597. Two justices may appoint persons nominated by the harbour authority to be special constables within the limits of the

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Harbour regulations.

harbour, and within one mile of the same. Every person so appointed shall be sworn in by a justice duly to execute the office of a constable within those limits, and when so sworn in shall have the same powers, protections, and privileges within those limits, and shall be subject to the same liabilities, as constables have or are subject to by law. Any two justices may, by order under their hands, dismiss any such constable from his office.

Harbour regulations.

Power by byelaws to regulate use of harbour, entrance of ships, anchoring, &c. 10 & 11 Vict. c. 27. s. 83.

598. Every harbour authority shall have power, by byelaws made under this Act, from time to time to do all or any of the following things for and within the limits of the harbour; namely,

(1.) To regulate the use of the harbour:

(2.) To regulate the time and mode of admission of ships within the limits of the harbour, and the dismantling or the lowering or furling of sails of ships coming in, and their mode and place of mooring and anchoring, and their position and government in the harbour, and their unmooring and removal out of the harbour:

(3.) To provide for the harbour master ensuring the observance of such regulations (in case of non-compliance therewith) by mooring, unmooring, placing, or removing a ship, and for that purpose casting off, loosing, or unshackling any rope or chain by which the ship is moored or fastened (first putting on board a sufficient number of persons for the protection of the ship in case there is no person on board to protect it):

(4.) To regulate the removal of ships when necessary, for the repairing, scouring, or cleansing of the harbour:

(5.) To regulate the times, places, order, and mode of the shipping, unshipping, landing, warehousing, stowing, and depositing of goods (with special regulations and restrictions in the case of dangerous goods), and of the landing and embarking of passengers, and of the taking in and delivery of ballast:

(6.) To regulate the use of fires and lights, and the keeping or using of gunpowder, combustibles, explosive substances, and other dangerous goods, and loaded guns, on board ship or elsewhere, and to provide for the harbour master entering a ship or place to search for fire or light suspected to be therein contrary to any byelaw, and extinguishing it if found:

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Warehouses, cranes, and other conveniences.

(7.) To regulate the several powers vested in the harbour master:

(8.) To prevent the obstruction of the harbour master in the exercise or discharge of any of his powers or duties:

(9.) To regulate the duties and conduct of all persons, as well the servants of the harbour authority as others, not being officers of customs or excise, who are employed in the harbour:

(10.) To regulate the duties and conduct of porters and carriers employed within the limits of the harbour, and to fix the dues to be paid to them for carrying anything to or from the same:

(11.) To regulate the use of cranes, weighing and other machines, conveniences, weights and measures belonging to the harbour authority.

Warehouses, cranes, and other conveniences.

Power to purchase additional land required for extraordinary purposes, and to do certain other things.

10 & 11 Vict. c. 27. ss. 20, 21, 22, 23, and 25 & 26 Vict. c. 19. s. 20.

599. Every harbour authority may do the following things:

(1.) In addition to any lands authorised to be taken under their special Act, purchase (subject to any limitation in such Act contained) lands near their harbour for extraordinary purposes; namely,

(*a.*) For making and providing additional yards, wharves, and places for receiving, depositing, and loading or unloading goods, and for the erection of weighing machines, toll houses, offices, warehouses, sheds, and other buildings and conveniences; and,

(*b.*) For making convenient roads to the harbour, or any other purpose requisite or convenient for the formation or use thereof:

(2.) On any lands acquired by them under their special Act or this Act, construct such warehouses, storehouses, sheds, and other buildings and works as may be necessary for the accommodation of goods shipped or unshipped at their harbour:

(3.) Erect or provide such cranes, weighing and other machines, conveniences, weights, and measures as may be necessary for the loading, unloading, measuring, and weighing of such goods:

(4.) Lease or grant the use or occupation of any warehouses, buildings, wharves, yards, cranes, machines, or other conveniences provided by them, at such rents and on such terms as may be agreed upon, so, however, that no such

lease be granted for a longer term than three years, except with the previous sanction of the Board of Trade:

Loans to harbour or conservancy authorities.

(5.) Lay down or construct and maintain, or grant or allow to any persons the right of laying down or constructing and maintaining, pipes or channels for the conveyance of water to and within the harbour, and demand and receive such sums in consideration of such grant or allowance as they think reasonable.

Proper servants and labourers shall be provided by every harbour authority for working, at all reasonable times for the use of the public, any cranes and weighing or other machines and conveniences erected or provided by such harbour authority.

Loans to harbour or conservancy authorities.

Power for Public Works Loan Commissioners to lend to harbour or conservancy authorities, and for such authorities to borrow from them.
24 & 25 Vict. c. 47. s. 3.,
25 & 26 Vict. c. 69. ss. 20, 21, 22.

600. Loans may be made to any harbour or conservancy authority, constituted either before or after the commencement of this Act, by the Public Works Loan Commissioners (constituted by the Act of the session of the nineteenth and twentieth years of Her Majesty, chapter seventeen, and the Acts amending the same, and referred to in this section as the commissioners,) for all or any of the following purposes; namely,

1. The construction, improvement, maintenance, or lighting of any public harbour:

2. The carrying into effect of any other shipping purpose:

in accordance with the following provisions (that is to say,)

Provisions as to loans to harbour or conservancy authorities by Public Works Loan Commissioners.

(1.) The commissioners may, out of funds for the time being at their disposal or provided by Parliament for the purpose, lend to any harbour or conservancy authority, and such harbour or conservancy authority may, with the approval of the Board of Trade, but not otherwise, borrow from the said commissioners, such money as may be required, whether such harbour or conservancy authority are or are not empowered to borrow money under a special Act, or otherwise, and notwithstanding any limitation in any special Act of the amount to be borrowed by such harbour or conservancy authority:

(2.) The period for repayment of the principal of any money borrowed shall not exceed fifty years:

Rate of interest.

(3.) When the aggregate amount of principal money due under this section to the said commissioners from any harbour or conservancy authority does not exceed one hundred thousand pounds, the interest payable in respect thereof shall be at the rate of *three and a quarter* per centum per annum; but when it exceeds one hundred thousand

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pounds the interest payable in respect of one hundred thousand pounds shall be at that rate, and the interest payable in respect of the excess shall be at such higher rate as the said commissioners determine, not exceeding *five per centum* per annum:

Loan to be secured on rates or property.

(4.) The repayment of principal and the payment of interest in respect of any loan under this section shall be secured upon all or any of the property belonging to the harbour or conservancy authority to whom the loan is made, or upon all or any of the dues leviable by and due to such authority, or upon all or any such property, together with all or any of such dues, according to the agreement between the commissioners and such authority, and it shall not be incumbent on the commissioners to require any other security:

Power to harbour authority to give such security.

(5.) Any harbour or conservancy authority empowered to levy dues immediately or prospectively, or entitled to any other property applicable to shipping purposes, may make such dues or property or any part thereof respectively a security for any money borrowed from the commissioners under this section, and may charge the same accordingly:

Incorporation of 10 & 11 Vict. c. 16. ss. 75–88.

(6.) For the purposes of any such loan the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, except so far as the same may be inconsistent with the provisions of the Acts constituting or regulating the Public Works Loan Commissioners, shall be incorporated with this Act; and for this purpose this Act shall be deemed to be "the special Act," and the harbour or conservancy authority borrowing shall be deemed to be "the commissioners," within the meaning of the said incorporated clauses:

Private harbour to be regulated by Order in Council before loan made under these provisions.

(7.) Provided that a harbour authority, being the proprietor of a private harbour, shall not be empowered by this section to borrow any money from the commissioners, unless such regulations are made in respect of the dues to be taken in the harbour, and the use thereof by the public, as the Board of Trade approve; and for the purpose of making and enforcing such regulations Her Majesty may by Order in Council declare that such of the provisions of this Act as seem fit, and as the Order specifies, shall apply to the harbour to which the Order refers, and fix a schedule of dues to be taken therein; and thereupon the provisions in the Order specified shall apply to that

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harbour as if it were constructed under a special Act, passed after the commencement of this Act:

Loans to harbour or conservancy authorities.

(8.) Nothing in this Act shall give to any loan under this section equality as to order of charge or of payment of principal or interest, with any loan made or to be made under any special Act, except only as to such portion (if any) of the loan under this Act as might have been raised under the special Act solely, or shall repeal or alter any provision restricting any harbour or conservancy authority, being a company, from borrowing until a definite portion of capital is subscribed for or taken or paid up.

Additional money borrowed under this Act not to rank with money borrowed under other powers.

601. Where a harbour authority desiring to obtain loans under this Act, and constituted either before or after the commencement of this Act, are the proprietors of a harbour for a limited estate, the following provisions shall take effect:

Power to proprietor of harbour for limited estate to charge estate of subsequent takers under same settlement.

24 & 25 Vict. c. 47. ss. 2 and 3., 25 & 26 Vict. c. 69. ss. 20, 21, 22.

(1.) Any such harbour authority shall have power to make the repayment of any money borrowed by him from the said commissioners under this Act, with the interest, a charge on his limited estate in the harbour or the site thereof, and on the estate and interest therein of every person taking under the same settlement any estate or interest therein in defeasance or expectancy or by destination on the determination of the said limited estate, but such charge shall be subject to all incumbrances on the harbour or site thereof subsisting at the time of the charge:

(2.) No loan or part of any loan shall be made under this Act to any person entitled to a limited estate so as to charge the estate or interest of any person taking in defeasance or expectancy or by destination, except to an amount to be specified in certificates to be from time to time issued by the Board of Trade; and no such certificate shall be issued until it is proved to the satisfaction of the Board of Trade that the amount specified in the certificate has been properly expended on the harbour.

For the purposes of this section—

(*a.*) The term "limited estate" means the estate of any person entitled under any settlement at law or in equity for his own benefit to the possession or receipt of the rents and profits of a harbour or of the site of a harbour, for the term of his own life or of the life of any other person, whether such harbour or site is or is not subject to incumbrances:

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(*b.*) The term "settlement" includes any Act of Parliament, will, deed, or other assurance, or connected set of assurances, whereby particular estates or particular interests in a harbour or the site of a harbour are created with remainders or interests expectant thereon; and every estate and interest created by appointment made in the exercise of any power contained in any settlement or derived from any settlement shall be considered as having been created by the same settlement; and an estate or interest, by way of resulting use or trust to or for the settlor, or his heirs, executors, or administrators, shall be deemed to be an estate or interest under the same settlement.

Power of Board of Trade to authorize suspension of sinking fund, &c. 29 & 30 Vict. c. 30. ss. 1 and 2.

602. When under this Act any loan has been or is about to be made by the Public Works Loan Commissioners to any harbour or conservancy authority constituted either before or after the commencement of this Act, and having borrowing powers under provisions of a special Act which require the extinguishment of any debt due from such authority by means of annual payments of a prescribed amount or within a prescribed time, the following rules as to the suspension of such provisions shall have effect; (that is to say,)

(1.) Such harbour or conservancy authority may apply to the Board of Trade to exercise the powers given to the Board under this section:

(2.) The Board of Trade may in their discretion, if satisfied that by virtue of the provision made or about to be made for the repayment within a certain time of any loan or loans from the commissioners there will be extinguished an amount of debt not less than that which would in the same time be extinguished under the provisions of the special Act, give a certificate in writing that it is expedient that the operation of the provisions of the special Act (or of such of them as are referred to in the certificate) should from a time specified, and subject to any conditions expressed in the certificate, be suspended during the period or periods for repayment to the commissioners of such loan or loans:

(3.) Upon such certificate being given, such provisions shall be suspended accordingly:

(4.) No money borrowed from the commissioners to which such certificate relates shall when paid off, be reborrowed.

Harbour Signals.

Harbour signals in schedule.

603. The signals to be used by a harbour authority for denoting the depth of water at any particular place shall be those specified in the schedule to this Act.

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Damage in harbour.

Lifeboats.

604. Every harbour authority shall, on being required to do so by the Board of Trade, provide, and until relieved from this duty by the Board of Trade shall always thereafter maintain in good order, an efficient and well-appointed lifeboat, and such mortar, rockets, and other apparatus as the Board of Trade direct or approve, with all necessary tackle, and a competent crew and proper persons for the effectual working thereof, for the succour of vessels in distress; and shall cause such lifeboat, mortar, rockets, and other apparatus to be stationed at such place as the Board of Trade direct or approve, and to be used on all necessary occasions. If any harbour authority fail to comply in any respect with the provisions of this section, they shall incur a penalty not exceeding *two pounds* for every twenty-four hours during which such failure continues.

Harbour authority to provide lifeboats and other apparatus on requisition of Board of Trade.
10 & 11 Vict. c. 27. ss. 16, 17.

Tide gauges and barometers.

605. Every harbour authority shall, on being required to do so by the Board of Trade, provide, and until relieved from this duty by the Board of Trade shall always thereafter maintain in good order, at such place and in such manner as the Board of Trade direct or approve, an efficient self-registering tide gauge, with a barometer; and shall cause accounts of the workings thereof to be kept, and to be sent to the Board of Trade, in such manner and at such times as the Board of Trade direct or approve. The harbour authority shall incur a penalty not exceeding *two pounds* for every twenty-four hours during which such tide gauge and barometer are not so provided or maintained, or such accounts kept, and a penalty not exceeding *ten pounds* for each month during which such accounts are not sent to the Board of Trade.

Provision by harbour authority of tide gauge and barometer, and accounts of workings.
10 & 11 Vict. c. 27. ss. 18, 19.

Damage in harbour.

606. Where any injury is done by a vessel or floating timber, or by any person employed about the same, to any part of the works or property of any harbour, the following persons, namely,

1. The owner of such vessel or floating timber; and
2. In case the injury is caused through the wilful act or negligence of the master of such vessel, or of the person having charge of such timber, such master or person;

shall each be answerable in damages to the harbour authority for the whole injury; and such damages, if not exceeding *one hundred pounds*, may be recovered summarily.

The harbour authority may detain the vessel or timber until sufficient security to their satisfaction is given for the amount of damages to be recovered.

Responsibility for injury to works of harbour.
10 & 11 Vict. c. 27. ss. 74, 75.

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Her Majesty's Customs.

The collector of dues, or any person authorised by the court awarding such damages, may enforce the payment thereof by the distress and sale of such vessel or timber, in the same manner and subject to the same conditions in and subject to which the collector of dues may enforce the payment of dues.

Recovery over by owner from master of ship, &c. 10 & 11 Vict. c. 27. s. 76.

607. Where the owner of any vessel, timber, or goods pays any money in respect of any injury done to any part of the works or property of any harbour authority by any master or other person, or pays any pecuniary penalty by reason of any act or omission of any master or other person, he shall be entitled to recover the money so paid, with costs, from such master or other person; and, if such money and costs do not exceed *one hundred pounds*, may recover the same summarily.

Penalty for wilfully cutting moorings. 10 & 11 Vict. c. 27. s. 62.

608. Any person, except the harbour master acting according to his authority, who wilfully cuts, breaks, or destroys the mooring or fastening of any ship in any harbour, shall for every such offence incur a penalty not exceeding *twenty pounds*.

Her Majesty's Customs.

Approval of legal quays by Treasury, &c. 10 & 11 Vict. c. 27. s. 24.

609. The quays of a harbour shall not be deemed to be legal quays for the shipping and unshipping of goods until approved for that purpose by the Treasury and the Commissioners of Her Majesty's Customs; and such quays, and the use thereof, shall be subject to the regulations to which legal quays are or may be by law subject.

Provision by harbour authority of watch-houses, huts, &c. for customs officers. 10 & 11 Vict. c. 27. s. 14.

610. Every harbour authority shall, on being required to do so by the Commissioners of Her Majesty's Customs, provide, and until relieved from this duty by those Commissioners shall always thereafter maintain in good order, at such place and in such manner as those Commissioners direct or approve, a watchhouse and a boathouse, and huts with weighing materials, for the use of the officers and others acting under those commissioners, free of rent or any other charges in respect thereof. If any harbour authority fail to comply in any respect with the provisions of this section, they shall incur a penalty not exceeding *fifty pounds* for every month during which such failure continues.

Freedom of passage for customs officers.

611. Officers of customs, acting in the execution of their duty, shall at all times have free ingress, passage, and egress into, through, and out of any harbour, by land or water, and with their vessels and otherwise, without payment.

Harbour authority to have no power to do anything inconsistent with the law relating to customs. 10 & 11 Vict. c. 27. s. 52.

612. Nothing in this or in any special Act contained shall authorise any harbour authority to do or cause to be done anything repugnant to or inconsistent with any law relating to the customs or any regulation of the Commissioners of Her Majesty's Customs.

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Sites for protecting batteries.

Sites for protecting batteries.

613. Every harbour authority may make, and one of Her Majesty's Principal Secretaries of State may accept, a grant, either in fee or for a term of not less than nine hundred and ninety-nine years, of any suitable land, not exceeding in quantity in any one place what may be sufficient for the construction of a battery or fortification for the protection of the harbour, with proper access thereto, and may enter into any covenant or stipulation with the Secretary of State and his successors in office, not to build or do any act prejudicial to any such battery or fortification, on the land adjacent to and within the line of fire from any such battery or fortification. Every such site, when conveyed as aforesaid, shall be held by the Secretary of State and his successors in office, on behalf of Her Majesty, in trust for the public service.

Power to Secretary of State for War to take and hold lands, &c. for batteries, &c.
24 & 25 Vict. c. 45. s. 20.

Determination as to which of two bodies is the Harbour Authority.

614. If in any case a question arises as to which of two or more bodies or persons is, for the purposes of this Act, the harbour authority in any district, it shall be lawful for Her Majesty, by Order in Council, to declare which of such persons or bodies is, for such purposes the harbour authority in such district, and the body or person so declared to be shall for such purposes be the harbour authority in such district.

Power to determine harbour authority by Order in Council.

Exemption of Her Majesty's Ships, &c. from operation of this Act.

615. Nothing in this Act shall charge with dues, or regulate or subject to control—

Exemption of ships in Her Majesty's service, &c. from rates, &c.
10 & 11 Vict. c. 27. s. 28.

(1.) Any ship of or in the service of Her Majesty, her heirs and successors, or of any member of the royal family;

(2.) Any ship in the service of the Board of Trade, Customs, or Excise, or a general lighthouse authority not conveying goods for hire;

(3.) Any packet boat or post office packet (as defined in any Act relating to the post office), or any post office bag of letters conveyed thereby or otherwise;

(4.) Any person in the service of the Admiralty, War Office, Customs, Excise, or Post Office, or his baggage;

(5.) Any ship or goods under seizure by officers of revenue;

(6.) Any naval, victualling or ordnance stores, or other stores or goods of or for the service of Her Majesty; or

(7.) Any troops or their baggage.

If any person claims and takes the benefit or endeavours to take the benefit of any exemption under this section without being entitled thereto he shall for every such offence incur a penalty not exceeding *ten pounds*.

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SCHEDULE TO HARBOURS ACT.

Harbour Signals.

PART XI.

A.D. 1871.

Shipping Dues Act.

Preliminary.

Short title.

616. This Act may be cited as the Merchant Shipping Code (Shipping Dues Act), 1871.

Incorporation of certain sections of General Provisions Act.

617. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1871, relating to Legal Procedure, Orders in Council, and Construction.

Application of Act.

618. This Act applies to authorities whenever constituted, and to dues whenever created or authorized.

Extent of Act.

619. This Act extends to the United Kingdom only.

Prohibition of certain Classes of Dues.

Prohibition of partiality as to dues.
10 & 11 Vict. c. 27. s. 30.
25 & 26 Vict. c. 19. s. 17.

620. Subject and without prejudice to any lawful exemption or privilege existing at the commencement of this Act, all dues shall be chargeable equally to all persons in respect of the same description of ships and the same description of goods.

Prohibition of passing tolls.
24 & 25 Vict. c. 47. s. 4.

621. It shall not be lawful for any person to levy any dues (known as passing tolls) on ships, or on goods carried in ships, passing but not entering any harbour.

Prohibition of differential dues.
24 & 25 Vict. c. 47. s. 10.

622. It shall not be lawful for any person to levy any dues (known as differential dues) or impose any liability on foreign ships, or on goods carried therein, other or higher than the dues or liabilities levied or imposed under like circumstances on British ships, or goods carried therein.

Prohibition of dues except for shipping purposes.
24 & 25 Vict. c. 47. ss. 6–9.

623. Subject and without prejudice to the exercise of any lawful power or right existing at the commencement of this Act, it shall not be lawful for any person to levy any dues unless the dues levied are applied to some shipping purpose, the benefit whereof is enjoyed by the ships or goods on which such dues are levied.

Prohibition of dues inconsistent with treaties.

624. Where any treaty, convention, or agreement entered into before the commencement of this Act by or on behalf of Her Majesty with the Government of any foreign state contains any stipulation respecting dues, it shall not be lawful for any person to levy dues otherwise than in accordance with such stipulation.

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Dues levied on Ships not to be sold or charged.

No exemption from dues allowed in United Kingdom on account of reasons herein named.

30 & 31 Vict. c. 15. s. 4.

625. After the commencement of this Act, no exemption from dues (including under the term every privilege of paying smaller dues than the public at large under like circumstances) shall be allowed in the United Kingdom on account of any one or more of the following reasons; (that is to say,)

(1.) On account of any ship being registered at or belonging to any particular country, port, or place, or trading between any particular ports or places:

(2.) On account of any ship or goods being the property of or being consigned by or to any particular person:

(3.) On account of any goods being destined for sale in any particular town, place, or market:

(4.) On account of any ship or goods being sent to or from, or anchoring or mooring at, or being laden or unladen at any particular place in any port, or in the neighbourhood of any port, except where a ship in going to or from, or anchoring or mooring at, or being laden or unladen at such place, derives from the expenditure of the class of dues in question no benefit, or less benefit than ships going to or from, or anchoring or mooring at, or being laden or unladen at another place in the same port:

(5.) On account of any goods being the product of or being destined for use at any particular manufactory, place, or district, or any particular class of manufactories: Provided that nothing in this Act contained shall affect any exemption from dues which has been granted by an Act of Parliament to the owner or occupier of some particular quay, manufactory, or place as compensation for obstruction to his water frontage or access to his premises, or other injury caused to him by the works authorized by such Act.

Dues levied on Ships not to be sold or charged.

Dues not to be sold or charged.

16 & 17 Vict. c. 131. s. 24.

626. No dues, of whatever nature levied or leviable, or hereafter to be levied or leviable, in any port of the United Kingdom, shall be sold, mortgaged, or charged in any manner or for any purpose without the consent of the Board of Trade first obtained, or the authority of a special Act of Parliament passed for that purpose; and any such sale, mortgage, or charge made after the twentieth day of August one thousand eight hundred and fifty-three, without such consent or authority, shall be absolutely void, except in the following cases:

(1.) In the case of any sale, mortgage, or charge of any dues levied for the use of any harbour or other undertaking

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intended solely for the benefit of shipping, where the moneys raised by the same are to be applied exclusively for the purposes of the undertaking for the use of which such dues are levied or leviable :

Transfer of shipping dues to harbour authorities.

(2.) In the case of any mortgage or charge made under the authority of any Act of Parliament for the purpose of raising money to pay the costs of any work constructed or duly contracted for before the twentieth day of August one thousand eight hundred and fifty-three : and

(3.) In the case of any mortgage or charge made or continued under any powers of reborrowing or continuing money on mortgage or bond given by any Act of Parliament for the purposes of any such work so constructed or contracted for as aforesaid.

Transfer of Shipping Dues to Harbour Authorities.

Power to transfer dues. 24 & 25 Vict. c. 47. ss. 17, 18, and 19.

627. Any person now or hereafter having power to levy dues may, with the consent of Her Majesty in Council, by deed, transfer, upon such terms as he thinks fit, all or any portion of the dues leviable by him to any harbour authority having powers in relation to any public harbour within which such dues or any portion thereof may be levied; and with respect to any such transfer the following provisions shall have effect :

(1.) Before making any such transfer, the intending transferor shall give notice of the terms of the intended transfer by publishing them twice at least in some local newspaper, or by advertising in such a newspaper the times and place at which a copy of them may be inspected :

(2.) Any person interested may lay before the transferor in writing any objections or observations with reference to the intended transfer, and the intending transferor and transferees shall take the same into consideration, and make such modifications in or additions to the terms (if any) as they may think fit to adopt, and shall also, on applying for the consent of Her Majesty in Council, forward all such objections and observations, with their answer thereto, for the consideration of Her Majesty in Council :

(3.) Upon the completion of the transfer, the Order in Council approving the transfer, with the instrument of transfer, shall be published in the London Gazette, and such Order shall be conclusive evidence of the transfer and of its terms.

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Transfer of shipping dues to harbour authorities.

Provisional order for transfer.

628. Where in any harbour dues are levied which are not applied to some shipping purpose the benefit whereof is enjoyed by the ships or goods on which such dues are levied, or to the payment of any debt now charged on such dues, the harbour authority of such harbour may apply to the Board of Trade to make, and the Board of Trade may make, a provisional order for transferring such dues to the harbour authority. Such transfer may be made for such consideration, and in such manner, and upon such terms and conditions, and with such powers to the harbour authority, as the Board of Trade may deem expedient.

Application of dues and of consideration money. 24 & 25 Vict. c. 47. ss. 17, 20.

629. The transferees, under any transfer made by an Order in Council or by a provisional order, shall have all rights and privileges in respect of dues transferred which the transferor had at the time of the transfer, and shall apply the dues transferred to shipping purposes within the harbour.

The transferor shall hold all money paid to him by way of consideration for the transfer upon the trusts, if any, and for the purposes upon and for which the dues, if not transferred, would have been held, and shall apply the same accordingly.

Power to borrow for transfer. 24 & 25 Vict. c. 47. ss. 17, 20.

630. Every harbour authority may from time to time borrow at interest, on the security of any property or dues, any money required for procuring any such transfer, either with the consent of Her Majesty in Council or by provisional order; and for this purpose the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners (except the clause numbered eighty-four) shall be incorporated with this Act.

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PART XII.

Crimes Act.

Preliminary.

Preliminary.

Short title.

631. This Act may be cited as the Merchant Shipping Code (Crimes Act), 1871.

Incorporation of certain clauses of General Provisions Act.

632. The provisions of the Merchant Shipping Code (General Provisions Act), 1871, relating to "Legal Procedure" shall be incorporated with this Act.

Extent of Act.

633. This Act shall extend to all persons and places over whom or in which Her Majesty hath jurisdiction.

Application of Act.

634. This Act shall apply to vessels belonging to Her Majesty, so however that nothing in this Act shall prevent any person subject to any Act relating to the discipline of Her Majesty's navy from being liable to any punishment under that Act, so that he be not punished twice for the same offence.

Crimes against Vessels.

Crimes against Vessels.

Malicious destruction of ship.

12 G. 3. c. 24.
29 G. 3. c. 46. s. 1.
5 & 6 Vict. c. 28. s. 2.
24 & 25 Vict. c. 97. ss. 42–47.
24 & 25 Vict. c. 100. ss. 13, 30.

635. Every person who unlawfully and maliciously—

(1.) Sets fire to, casts away, or wholly or partially destroys any vessel, whether the same be complete or in an unfinished state;

(2.) Sets fire to any part of, or any part of the tackle of any vessel, or any goods or chattels being therein, with intent to commit murder, or endanger the life or limb of any person on board any such vessel, or to destroy any vessel;

(3.) Places or throws in, into, upon, against, or near any vessel any gunpowder or explosive substance with intent to destroy or damage any vessel, the tackle thereof, or any goods or chattels being therein, or to endanger the life or limb of any person on board any vessel, whether or not any explosion takes place, and whether or not any injury be effected;

(4.) Does any act tending to the immediate loss or destruction of any vessel;

(5.) Makes, by any overt act, an attempt to commit any offence in this section before mentioned,

shall be guilty of felony, and be liable, at the discretion of the court before which he is convicted, to penal servitude *for life* or for any

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Crimes against Vessels.

term not less than the minimum term allowed by law, or to imprisonment for any term not exceeding *two years*, with or without hard labour, and in the case of a male under sixteen years of age, *with or without whipping.*

Malicious damage to a vessel a misdemeanor. 24 & 25 Vict. c. 97. s. 45.

636. Every person who unlawfully and maliciously damages any vessel whether complete or in an unfinished state, or any part thereof, or any part of the tackle thereof, or any goods or chattels therein or belonging thereto, shall be guilty of a misdemeanor.

Where any person is charged with an act in relation to a vessel, or part thereof, or in relation to the tackle thereof, or to any goods or chattels therein, which is by this Act declared to be a felony, and such person is proved to have been guilty of a misdemeanor under this section, he may be convicted accordingly, notwithstanding the charge made against him of felony.

Barratry by master, &c. of vessel. See 11 & 12 W. 3. c. 7. s. 9.

637. Every person who is guilty of barratry, that is to say, who being a master of, or seaman, or apprentice belonging to any vessel betrays his trust and unlawfully runs away with his vessel, or any boat, tackle, goods, or property belonging thereto, shall be guilty of felony, and be liable to penal servitude not exceeding fourteen years, or to imprisonment with or without hard labour for any term not exceeding two years.

Where any person is charged with barratry under this section and the facts proved in support of such charge amount in law to larceny, or to embezzlement, or fraudulent application or disposition, and where any person is charged with larceny, or embezzlement, or fraudulent application or disposition, and the facts proved in support of such charge amount in law to barratry under this section, such person shall not by reason thereof be entitled to be acquitted, but the jury may return as their verdict that such person is guilty of the offence of barratry, larceny, embezzlement, fraudulent application or disposition, as the case may be, and such person shall be convicted and punished accordingly as if he had been indicted for the offence of which he is so found guilty.

Misconduct endangering vessel or life or limb a misdemeanor. 17 & 18 Vict. c. 104. s. 239.

638. Every person who being a master of or a seaman or apprentice belonging to any British vessel who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, either—

(1.) Does any act tending to the immediate loss, destruction, or serious damage of such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or,

(2.) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from

immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such vessel from immediate danger to life or limb;

shall for every such offence be guilty of a misdemeanor.

Endangering life in sending ship to sea unseaworthy.

639. Every person who, being an owner or an agent of an owner of any British ship, sends such ship to sea in an unseaworthy state so as to endanger the life of any person belonging to or on board the same, shall be guilty of a misdemeanor unless he proves that he used all reasonable means to make and keep the ship seaworthy and was ignorant of such unseaworthiness, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and unavoidable.

A misdemeanor under this section shall not be punishable on summary conviction.

Punishment of piracy and attempt to murder in case of piracy. See 7 W. 4. & 1 Vict. c. 88. s. 2.

640. Every person who is guilty of piracy and every person who with intent to commit, or at the time of or immediately before or immediately after committing the crime of piracy in respect of any vessel does any of the following things,—

(1.) Assaults with intent to murder any person being on board of or belonging to such vessel;

(2.) Stabs, cuts, or wounds any such person; or,

(3.) Unlawfully does any act by which the life of such person may be endangered,

shall be guilty of felony, and being convicted thereof shall suffer death as a felon.

Punishment of hostility by British subjects on the high seas. 11 & 12 W. 3. c. 7. s. 8. 18 G. 2. c. 30. s. 1. 7 W. 4. & 1 Vict. c. 88. ss. 3, 5.

641. Every person who, being a British subject, commits or attempts to commit any act of hostility against any other British subject on the high seas under colour of any commission from any foreign prince or state, or pretence of authority from any person whatsoever, shall, where such offence does not amount to piracy, be guilty of felony, and be liable at the discretion of the court to penal servitude for life or for any term not less than the minimum term allowed by law or to imprisonment for a term not exceeding two years, with or without hard labour, and with or without solitary confinement, for portions of such imprisonment not exceeding one month at a time or three months in any year.

Punishment of various crimes committed on

642. Every person who commits or attempts to commit any of the following offences; that is to say, either—

(1.) Being the master of or seaman or apprentice belonging to any vessel, goes over to any pirate, or yields up such vessel, or any boat, tackle, goods, or property belonging

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thereto or on board thereof to any pirate, unless he used his utmost exertions to protect or save the same; or

high seas connected with piracy. 11 & 12 W. 3. c. 7. s. 9. 7 W. 4. & 1 Vict. c. 88. ss. 3, 5.

(2.) Brings seducing messages from any pirate, or induces or attempts to induce any master of any vessel, or any seaman or apprentice belonging thereto, to turn pirate or go over to pirates, or to yield up to a pirate his vessel, or any boat, tackle, goods, or property belonging thereto or on board thereof; or

11 & 12 W. 3. c. 7. s. 10. 8 G. 1. c. 24. ss. 1–3.

(3.) Knowing anyone to be a pirate trades with him, or builds or fits out or equips for him any vessel, or supplies him or his vessel with any arms, ammunition, tackle, provisions, stores, or goods of any kind; or

11 & 12 W. 3. c. 7. s. 10. 8 G. 1. c. 24. ss. 1–3.

(4.) Builds, fits out, equips, or loads with cargo any vessel with intent to commit piracy or to trade with, or equip or correspond with pirates or with any pirate, or to supply pirates or any pirate with arms, ammunition, tackle, provisions, stores, or goods of any kind: or

(5.) Receives or has in his possession without lawful cause any vessel, tackle, goods, or property of any kind which he knows to have been piratically taken:

shall, where such offence does not amount to piracy, be guilty of felony, and be liable at the discretion of the court to penal servitude for life or for any term not less than the minimum term allowed by law or imprisonment for a term not exceeding two years, with or without hard labour, and with or without solitary confinement, for portions of such imprisonment not exceeding one month at a time or three months in any year.

Forfeiture of vessels, arms, &c. 8 G. 1. c. 24. s. 1.

643. All vessels, arms, ammunition, tackle, provisions, stores, and goods of any kind used in committing any offence under this Act, or procured with intent to commit such offence, or to contravene the provisions of this Act, and every vessel built, fitted out, equipped, or loaded in contravention of the provisions of this Act with everything on board thereof, shall be forfeited to Her Majesty.

Meaning of the term piracy.

644. Every act which would be piracy if tried in the Court of Admiralty shall be deemed to be piracy for the purposes of this Act, and none of the provisions in this Act with respect to offences shall be deemed in any way to limit the meaning of the term piracy, or to make any Act which but for such provision would be piracy not to be piracy.

Provided that none of the provisions in this Act with respect to piracy shall extend to any offence which is made piracy by any

Crimes against Vessels.

Act of Parliament, and for which such Act or any Act amending the same imposes any specific punishment.

Provisions as to indictments for piracy, &c.

645. Where any person is charged with piracy, and the facts proved in support of such charge amount in law to some other offence punishable under this Act, such person shall not by reason thereof be entitled to be acquitted, but the jury may return as their verdict that he is guilty of such last-mentioned offence, and he may be convicted and punished as if he had been indicted for the offence of which he is so found guilty.

Where a person is charged with an offence under the provisions of this Act other than piracy, and the facts proved in support of such charge amount in law to piracy, he shall not by reason thereof be entitled to be acquitted if such facts amount also in law to the offence with which he is charged.

Jurisdiction as to Offences at Sea.

Jurisdiction as to Offences at Sea.

Jurisdiction of British Court in respect of offences at sea.

646. Any of the following offences (in this Act referred to as offences committed at sea); that is to say,

(1.) Any offence committed by any person on board any British vessel in any place, either within or without the dominions of Her Majesty:

(2.) Any offence committed by any British subject on board any foreign vessel to which he does not belong, in any place either within or without the dominions of Her Majesty:

(3.) Any act of piracy committed by any person; and,

(4.) Any offence committed by any British subject within the jurisdiction of the Admiralty of England;

shall, for all purposes of and incidental to the trial and punishment of any person guilty of such offence, and any proceedings and matters preliminary or incidental to or consequential on such trial and punishment, and for all purposes of and incidental to the jurisdiction of any court, constable, or officer with reference to such offence, be deemed to have been committed either in any place in which the offence was committed, or in any place in which the person guilty of the offence may for the time being be in Her Majesty's dominions or in any foreign port or place in which Her Majesty has jurisdiction.

39 G. 3. c. 37.
59 G. 3. c. 53.
4 & 5 W. 4. c. 36. s. 22.
7 & 8 Vict. c. 2.
12 & 13 Vict. c. 96.
17 & 18 Vict. c. 104. s. 267.
18 & 19 Vict. c. 91. s. 21.
24 & 25 Vict. c. 94. s. 9.
24 & 25 Vict. c. 96. s. 115.
24 & 25 Vict. c. 97. s. 72.
24 & 25 Vict. c. 98. s. 50.
24 & 25 Vict. c. 99. s. 36.
24 & 25 Vict. c. 100. s. 68.
30 & 31 Vict. c. 104. s. 11.

Jurisdiction of British court in respect of offences by seafaring persons.

647. Any offence committed in any place out of Her Majesty's dominions, either ashore or not, by any master, seaman, or apprentice who at the time the offence is committed is, or being a British subject within three months previously has been employed in any

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Jurisdiction as to Offences at Sea.

57 G. 3. c. 53. 17 & 18 Vict. c. 104. s. 267.

British ship (which offence is in this Act referred to as an offence committed by a seafaring person) shall for all purposes of and incidental to the trial and punishment of any person guilty of any such offence, and all proceedings and matters preliminary and incidental to and consequential on such trial and punishment, and for all purposes of and incidental to the jurisdiction of any court, constable, and officer with reference to such offence, be deemed to have been committed either in the place in which the offence was committed, or in any place in which the person guilty of the offence may for the time being be, in Her Majesty's dominions or in any foreign part or place in which Her Majesty has jurisdiction.

Offences committed partly at sea and partly on land. 12 & 13 Vict. c. 96. s. 3. 24 & 25 Vict. c. 100. s. 10. 24 & 25 Vict. c. 94.

648. Where an offence is commenced at one place and completed at another place, and of such places both or one are or is at sea, or one is within and the other without British jurisdiction, such offence shall, for all purposes of and incidental to the trial and punishment of any person guilty of such offence, and all proceedings and matters preliminary and incidental to and consequential on such trial and punishment, and for all purposes of and incidental to the jurisdiction of any court, constable, and officer with reference to such offence, be deemed to have been committed either in the place where the offence was commenced or in the place where the offence was completed.

Where a person being in one place is accessory to or aids or abets an offence committed in another place, and of such places both or one are and is at sea, or one is within and the other without British jurisdiction, such person shall, for all the purposes aforesaid, be deemed to have committed an offence, either in the place in which the offence which he was so accessory to or aiding or abetting was actually committed, or in the place where the offender was at the time of his being so accessory, aiding, or abetting.

The provisions of this Act with respect to offences committed at sea or by a seafaring person shall extend to offences which under the provisions of this section are deemed to have been committed at sea.

Abolition of criminal jurisdiction of Admiralty Court.

649. After the commencement of this Act no person accused of an offence committed at sea or by a seafaring person who can be tried and punished for such offence, according to the course of the common law, by any court of criminal jurisdiction, either under the provisions of this Act or otherwise, shall be tried according to the course of the civil law before any Court of Admiralty sitting as such.

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Venue.
24 & 25 Vict. c. 97.

650. Any offence committed at sea or by a seafaring person may be described in any indictment or other document relating to such offence as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed on the high seas, or out of Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, or place in which the trial is held.

Removal of Offenders.

Removal of Offenders.

Power to remove offenders.

651. Where it appears to any of the following authorities, that is to say, in the United Kingdom to any judge of a superior court, in any other place within the jurisdiction of any British court of justice, to that court, or if there are more courts than one, to the court having the highest criminal jurisdiction in that place, that the removal of any offender charged with an offence committed at sea or by a seafaring person to some other place in Her Majesty's dominions for trial would be conducive to the interests of justice, such authority may by warrant or instrument in the nature of a warrant direct such removal, and any prisoner so removed shall be triable at the place to which he is removed in the same manner as if his offence had been committed at such place, and the provisions of this Act herein-after contained with respect to the removal of offenders by order of a consular officer shall extend to the removal of an offender under this section in the same manner as if the term consular officer in those provisions included the court.

Provision for persons entitled to be tried by the supreme court of a presidency.
24 & 25 Vict. c. 88.

652. Where any person within any place in India is charged with the commission of any offence committed at sea or by a seafaring person, whether by having been removed there from some place or otherwise, and at any time before his trial he make it appear to the court exercising criminal jurisdiction in such place that in case the offence charged had been committed in such place he could have been tried only in the supreme court of one of the three presidencies in India, and claim to be tried by such a supreme court accordingly, the said court exercising criminal jurisdiction as aforesaid shall certify the fact and claim to the governor of such place or chief local authority thereof, and such governor or chief local authority thereupon shall order and cause the person charged to be sent in custody to such one of the presidencies as such governor or authority may think fit for trial before the supreme court of such presidency.

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Removal of Offenders.

Conveyance of offenders and witnesses to United Kingdom or some British possession. 17 & 18 Vict. c. 104. s. 268.

653. The following provisions shall have effect with respect to any offence committed at sea or by a seafaring person; (that is to say,)

(1.) Whenever any complaint is made to any British consular officer of any such offence, such consular officer may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under necessary restraint and of sending him as soon as practicable in safe custody to any of the following places, to be there proceeded against according to law; (that is to say,)

(1.) To the United Kingdom:

(2.) To any British possession in which there is a court capable of taking cognizance of the offence:

(3.) To any foreign port or place in which Her Majesty has jurisdiction, and in which there is a British court capable of taking cognizance of the offence:

(2.) For the purpose aforesaid the master of any British ship bound to any of the places aforesaid shall, if so required by the consular officer, receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that such master be not required to receive more than one offender for every one hundred tons of his ship's register tonnage, or more than one witness for every fifty tons of such tonnage; and the consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade from time to time require:

(3.) Every such master shall, on his ship's arrival at the place to which it is bound, give every offender so committed to his charge into the custody of some police officer or constable, who shall take the offender before a court by law empowered to deal with the matter, and such court shall deal with the matter in manner required by law:

(4.) And any such master who acts in contravention of this section shall for each such offence incur a penalty not exceeding fifty pounds:

(5.) The expense of imprisoning any such offender and of conveying him and the witnesses to such place as aforesaid, in any manner other than in the ship to which they respectively belong, shall be part of the costs of the prosecution, or be paid out of moneys to be provided by Parliament.

PART XIII.

A.D. 1871.

General Provisions Act.

Preliminary.

Preliminary.

654. This Act may be cited as the Merchant Shipping Code (General Provisions Act), 1871.

Short title.

655. Where in any of the separate Acts constituting the Merchant Shipping Code, 1871, it is provided that the sections of this Act relating to any particular matter shall be incorporated with the separate Act, the description of the matter shall be deemed to refer to the corresponding heading in this Act, and thereupon all the sections arranged under such heading shall form part of the separate Act with which they are so incorporated, in the same manner as if they were repeated in such separate Act.

Incorporation of this Act in other Acts.

656. Where in any of the separate Acts constituting the Merchant Shipping Code, 1871, any section in that Act refers to the sections of that Act relating to any particular matter, such section shall be deemed to refer to all the sections of that Act which are arranged under the heading that corresponds to the description of the matter contained in the section referring thereto.

Reference to headings in Act.

Legal Procedure.—(I.) Jurisdiction.

Legal Procedure.

657. For the purpose of jurisdiction in any matter civil or criminal under this Act, the following enactments shall be in force; (that is to say,)

Jurisdiction over water on boundaries of two jurisdictions. 17 & 18 Vict. c. 104. s. 521.

(1.) Any lake, river, port, bay, harbour or tidal water which runs between or abuts on or forms the boundary of the jurisdiction of two or more courts shall be deemed to be wholly within the jurisdiction of each of such courts:

(2.) Any tidal water or part of the sea not included in the foregoing descriptions, and within the territorial jurisdiction of Her Majesty, and adjacent to or surrounding any part of the shore of any part of Her Majesty's dominions, shall be deemed to form part of the shore to which it is adjacent or which it surrounds.

658. In this Act the term "Superior Court" means,—

Definitions of courts: "Superior Court:"

(1.) In England or Ireland, any of Her Majesty's superior courts of record at Westminster or Dublin, as the case

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may be, or the Court of Common Pleas for the county palatine of Lancaster, or the Court of Pleas for the county of Durham;

(2.) In Scotland, the Court of Session;

(3.) In the Isle of Man, the Staff of the government of that island;

(4.) In any other British possession, any superior court of such possession;

(5.) In any foreign port or place in which Her Majesty has jurisdiction, any court having like jurisdiction with a superior court of record at Westminster.

"Chief Court of Admiralty:" The term "Chief Court of Admiralty" means,—

(1.) In England and Ireland, the High Court of Admiralty of England and Ireland respectively;

(2.) In Scotland, the Court of Session, or either division thereof, or the Lord Ordinary officiating on the bills during vacation;

(3.) In any British possession a Vice-Admiralty Court or any court exercising Admiralty jurisdiction;

(4.) In any foreign port or place in which Her Majesty has jurisdiction, any court exercising Admiralty jurisdiction.

"Local Court of Admiralty:" The term "Local Court of Admiralty" means,—

(1.) In England, any court having jurisdiction under the County Court Admiralty Jurisdiction Act, 1868;

(2.) In Ireland, any court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867;

(3.) In Scotland, the court of the sheriff for the county;

(4.) In any British possession

(5.) In any foreign port or place in which Her Majesty has jurisdiction

"Court of Summary Jurisdiction." The term "Court of Summary Jurisdiction" means any justice or justices of the peace, sheriff or sheriff substitute, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by The Summary Jurisdiction Acts, or any Acts therein referred to.

Provided, that nothing in this section shall be deemed to prevent Her Majesty from declaring, with respect to any foreign port or place in which Her Majesty has jurisdiction, what court shall be a superior court, a chief court of admiralty, a local court of

admiralty, or a court of summary jurisdiction for the purposes of this Act. A.D. 1871. *Legal Procedure.*

The term "Summary Jurisdiction Acts" means— "Summary Jurisdiction Acts."

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties "of justices of the peace out of sessions within England and "Wales with respect to summary convictions and orders," and any Acts amending the same:

As to Scotland, "The Summary Procedure Act, 1864:"

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland "The Petty Sessions (Ireland) Act, 1851," and any Acts amending the same:

As to any British possession, the laws of such possession providing for the prosecution and recovery of the like offences and penalties, and the taking of the like proceedings, and the making of the like orders to those which may be prosecuted, recovered, taken, or made under the Acts before mentioned in this section:

As to any foreign port or place in which Her Majesty has jurisdiction, any Order in Council providing for the prosecution and recovery of the like offences and penalties, and the taking of the like proceedings, and the making of the like orders to those which may be prosecuted, recovered, taken, or made under the Acts before mentioned in this section.

659. The legislature of any British possession shall have power by any Act or Ordinance duly passed to declare what court shall, for the purposes of this Act or of any part thereof, be deemed to be a superior court, a chief court of Admiralty, a local court of Admiralty, or a court of summary jurisdiction, and after such Act or Ordinance comes into operation the term superior court, chief court of Admiralty, local court of Admiralty, or court of summary jurisdiction, as the case may be, shall throughout this Act be construed so far as it relates to such British possession to mean the court in that behalf specified in such Act or Ordinance. Power of Colonial legislature as to courts.

660. The harbour-master for the time being of the harbour of Holyhead, in the event of it seeming meet to Her Majesty to assign to him Her Majesty's commission to act as a justice of the peace within the limits within which he is empowered to act in harbour Harbour-master at Holyhead may be commis-

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sioned as justice. 30 & 31 Vict. c. 124. s. 12.

matters, shall, during the continuance of such assignment and of his tenure of the office of harbour-master, execute within such limits the duties of a justice of the peace, notwithstanding he may not be qualified by estate to be a justice of the peace for a county, and shall have within such limits the same power and jurisdiction as a stipendiary magistrate has by Act of Parliament when sitting at a police court or other place appointed in that behalf.

Summary Proceedings.

Legal Procedure.—(II.) Summary Proceedings.

Summary procedure. 17 & 18 Vict. c. 104. s. 518.

661. Every offence by this Act made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by any penalty not exceeding one hundred pounds, may be prosecuted summarily.

Punishment of misdemeanor. 17 & 18 Vict. c. 104. s. 518, paras. 1 and 2.

662. Every offence by this Act made a misdemeanor, in respect of which no penalty or other punishment is awarded, shall be punishable by fine or by imprisonment for a term not exceeding two years, with or without hard labour, and every such offence shall also (unless the contrary is expressed) be deemed to be an offence punishable on summary conviction under this Act, and every person shall be liable on summary conviction for every such offence to be punished by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds.

Aiders and abettors in offences punished summarily.

663. Every person who aids, abets, counsels, or procures the commission of any offence punishable summarily under this Act shall be liable to be tried and punished as a principal offender.

Summary proceedings for offences, &c. 17 & 18 Vict. c. 104. s. 518.

664. All offences and penalties which may under this Act be prosecuted and recovered summarily, and all money and costs which may under this Act be recovered summarily, and all proceedings which may under this Act be taken summarily, may be prosecuted, recovered, and taken in manner directed by The Summary Jurisdiction Acts.

Summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in manner provided by The Summary Jurisdiction Acts, and any person who fails to obey any such order shall be liable to imprisonment for any term not exceeding six months, with or without hard labour.

Provided as follows that :—

1. In England, the Court of Summary Jurisdiction, when hearing and determining an information or complaint, shall be

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constituted in some one of the following manners; that is to say, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of one of the magistrates herein-after mentioned, sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the lord mayor, or an alderman of the City of London, a metropolitan police magistrate, a stipendiary magistrate, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace.

2. In England, the description of any offence under this Act in the words of such Act shall be sufficient in law.

3. In England, any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

4. Where in England an order of a court of summary jurisdiction under this Act relates to the payment of any sum of money which would but for any special provisions in this Act with respect to summary jurisdiction be recoverable only as a debt or otherwise in a court of civil jurisdiction, the person against whom such order is made shall not be imprisoned for default in payment of such sum, unless the court on making the order for imprisonment is satisfied that such person has or has had since the date of the order for payment the means to pay such sum, and refuses or neglects, or has refused or neglected to pay the same.

Limitation of time in summary proceedings. 17 & 18 Vict. c. 104. s. 525.

665. The time for instituting summary proceedings under this Act shall be limited as follows; (that is to say,)

(1.) No summary conviction for any offence or summary order shall be made under this Act in any proceeding instituted in the United Kingdom, unless such proceeding is commenced within twelve months after the offence was committed or cause of complaint arose; or if both or either of the parties to such proceeding happen during such time to be out of the United Kingdom, unless the same is commenced within twelve months after they both first happen to arrive or to be at one time within the same:

(2.) No summary conviction for any offence or summary order shall be made under this Act in any proceeding instituted

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in any British possession, or in any foreign port or place in which Her Majesty has jurisdiction, unless such proceeding is commenced within twelve months after the offence was committed or the cause of complaint arose; or if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within twelve months after they both first happen to arrive or to be at one time within such jurisdiction:

And no law for the time being in force under any Act or otherwise which limits the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

Appeal on summary conviction in England.

17 & 18 Vict. c. 104. s. 518. para. 4.

666. With respect to appeals in cases of summary proceedings under this Act in England the following provisions shall have effect:

(1.) If any party feels aggrieved by the dismissal of his complaint, or by an order or conviction made by a court of summary jurisdiction in determining any complaint or information, by which order or conviction the sum adjudged to be paid including costs exceeds five pounds, or the period of imprisonment adjudged exceeds one month, the party so aggrieved may appeal to the next court of quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days after the decision of the court from which the appeal is made:

(2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow:

(4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:

(5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the

decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court think just. The court of appeal may also make such order as to costs to be paid by either party as the court think just.

Exclusion of certiorari.

No conviction or order made in England in pursuance of this Act, either originally or on appeal, shall be quashed for want of form or be removed by certiorari or otherwise, either at the instance of the Crown or of any private party, into any superior court. Moreover, no warrant of commitment shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been convicted.

Legal Procedure.—(III.) Evidence.

Evidence.

Depositions to be received in evidence when witness cannot be produced. 17 & 18 Vict. c. 104. s. 270.

667. Whenever in the course of any proceeding instituted in any part of Her Majesty's dominions before any court or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, then if such proceeding be instituted in the United Kingdom, upon proof that such witness cannot be found in that kingdom, or if the proceeding be instituted in any British possession, upon proof that he cannot be found in the same possession, or if the proceeding be instituted in any foreign port or place in which Her Majesty has jurisdiction, upon proof that he cannot be found within such port or place, any deposition that such witness may have previously made on oath in relation to the same subject matter before any court, judge, or magistrate in Her Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence, subject to the following restrictions; (that is to say,)

(1.) If such deposition was made in the United Kingdom it shall not be admissible in any proceeding instituted in the United Kingdom:

(2.) If such deposition was made in any British possession, it shall not be admissible in any proceeding instituted in the same British possession:

(3.) If such deposition was made in any foreign port or place in which Her Majesty has jurisdiction it shall not be admissible in such port or place:

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(4.) If the proceeding is criminal a deposition shall not be admissible in pursuance of this section unless it was made in the presence of the person accused.

Every deposition so made as aforesaid shall be authenticated by the seal or signature of the court, judge, magistrate, or consular officer before whom the same is made; and such court, judge, magistrate, or consular officer shall, when the same is taken in criminal matters certify, if the fact is so, that the accused was present at the taking thereof; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified; but nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament, or, so far as regards any British possession, by any Act or Ordinance of the legislature of that possession, or interfere with the power of any such legislature to make such depositions admissible in evidence, or interfere in any British possession with the practice of any court in which depositions not authenticated as herein-before mentioned are admissible.

Document proved without calling attesting witness.

17 & 18 Vict. c. 104. s. 526.

668. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or witnesses, or any of them.

Service of notices and proof thereof.

17 & 18 Vict. c. 104. s. .

669. Notices and documents required to be served or sent for the purposes of this Act may be in writing or print, or partly in writing and partly in print, and if the person on whom any notice or document is to be served belongs to any ship, such notice or document may be served by leaving the same for him on board such ship with the person being or appearing to be in command or charge of such ship.

Process.

Legal Procedure.—(IV.) Process.

Sums ordered to be paid leviable by distress on ship.

17 & 18 Vict. c. 104. s. 523.

670. In all cases where any court has power under this or any other Act to make an order directing payment to be made of any seaman's wages, or of any penalties, or other sums of money, then, if the person so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court who made the order may, in addition to any other powers they may have for the purpose of compelling

payment, direct the amount remaining unpaid to be levied by distress or arrestment and sale of the said ship and her tackle.

Judge of court of record or Admiralty to arrest ship which has occasioned damage, when belonging to an owner resident out of the United Kingdom. 17 & 18 Vict. c. 104. s. 527.

671. Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any ship whereof the owner or all the owners is or are resident out of the United Kingdom, if at any time thereafter such ship is found in any port or tidal water in the United Kingdom, or within the limits of the United Kingdom, it shall be lawful for the judge of any superior court in the United Kingdom, or in Scotland for such judge or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to any officer of customs or other officer named by such judge or sheriff, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge or sheriff, to abide the event of any legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer to whom such order is directed shall detain such ship accordingly.

Power in certain cases to detain ship before application made to judge. 17 & 18 Vict. c. 104. s. 528.

In any case where it appears that before any such application can be made such ship will have departed beyond the limits of the United Kingdom, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to detain such ship until such time as will allow such application to be made, and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

Who to be defendant to suit in such cases. 17 & 18 Vict. c. 104. s. 529.

672. In any legal proceeding that may be instituted in relation to such last-mentioned injury, the person so giving security as aforesaid shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the judge or sheriff made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such proceeding.

Search for property ordered summarily to be delivered.

673. Where any summary order is made under this Act directing the delivery of any property or thing to any person, and the court making the order think that there is reasonable ground to suppose

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that such property or thing is to be found in any premises, such court may, if they think fit, at the time of making the order, or at any subsequent time, grant a warrant by virtue whereof it shall be lawful for any constable named in such warrant at any time within one month from the date thereof to enter, and if need be by force, the said premises, to be named in the warrant, and to search for and take such property or thing, and deliver the same to the person named in the order.

Costs.

Legal Procedure.—(V.) Costs.

The costs of the prosecution of misdemeanors may be allowed. See 17 & 18 Vict. c. 104. s. 518., and 24 & 25 Vict. c. 97. s. 77.

674. The court before which any offence made a misdemeanor by this Act is tried as a misdemeanor may allow the costs thereof, as follows; namely,

(1.) May in England or Ireland allow the costs of the prosecution in the same manner as in cases of felony, and every order for the payment of costs so allowed shall be made out and the sum of money mentioned therein paid and repaid upon the same terms and in the same manner in all respects as in cases of felony; and

(2.) May in any other part of Her Majesty's dominions make such allowances and order payment of such costs or expenses, if any, as are, under the laws of such part, allowable or payable on the trial of a misdemeanor therein.

Application of penalties. 17 & 18 Vict. c. 104. s. 524. See 10 & 11 Vict. c. 27. s. 95.

675. Any court imposing any penalty under this Act may, subject to any specific application by this Act provided, and notwithstanding the provisions to the contrary of any statute in force at the commencement of this Act, if the court think fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied towards payment of the expenses of the proceedings; and, subject to such specific application or direction as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, and all penalties recovered in any British possession shall be paid over into the public treasury of such possession and form part of the public revenue thereof.

General.

Legal Procedure.—(VI.) General.

Not to prevent persons from being

676. No enactment in this Act shall prevent any person from being liable under any other enactment of the Merchant

Shipping Code, 1871, or under any other Act, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

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liable under any other Act, &c.

Provided that when proceedings are taken in any court of summary jurisdiction, in pursuance of this or any other Act, or otherwise against any person for any offence which is punishable under this Act, if the court think the offender should be indicted or otherwise proceeded against for a punishment exceeding that which such court has power to inflict, such court may adjourn the proceedings before them and direct proceedings to be taken against the offender for such larger punishment.

Solicitors, clerks, and officers of customs may conduct cases. 16 & 17 Vict. c. 107. s. 323.

677. Any person appointed to be solicitor or assistant solicitor of Her Majesty's Customs, or any clerk duly appointed to act on his behalf or under his or their directions, may, in any legal or other proceeding instituted in pursuance of this Act by order of the Commissioners of Customs or the Board of Trade, act as counsel, solicitor, attorney-at-law, advocate, writer to the signet, or agent in the prosecution, conduct, or defence of any such proceeding in any court, jurisdiction, or place in which such proceeding may be instituted, and any such solicitor, assistant solicitor, or clerk, and any officer or officers of customs under the order and directions of the Commissioners of Customs, may prosecute, defend, or conduct before any court of summary jurisdiction any such proceeding as aforesaid which is to be heard or determined by such court.

Orders in Council.

Orders in Council.

Orders in Council.

678. Where under this Act it is made lawful for Her Majesty to make an Order in Council for any purpose, it shall be lawful for Her Majesty in Council from time to time to alter and revoke such Order.

Every Order in Council made under this Act, shall be published in the London Gazette, or otherwise, as to Her Majesty in Council may seem best for making it known to all persons interested.

Such Order shall come into operation at the date of such publication or such later date as may be prescribed by the Order.

Schedules may be altered or repealed by Orders in Council.

679. Any schedule annexed to this Act may be altered or repealed wholly or in part, by Order in Council, and new provisions may be substituted in the place of any schedule or the part thereof so repealed by such Order. But the alteration or repeal of any schedule, or of any part thereof, shall be subject to the conditions, if any, imposed on such alteration or repeal by this Act, and nothing in this section shall take away or diminish the power of altering or repeal-

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ing the schedules to this Act in the manner, if any, by such Act prescribed.

Orders in Council.

Power by Order in Council to determine certain authorities in colonies and foreign ports.

680. Where under this Act any act, matter, or thing is required or authorized to be performed, transacted, or done by, to, with, or in the presence of any particular officer or person, and, in the case of any British possession, or of any foreign port or place in which Her Majesty has jurisdiction, either—

(*a.*) No such officer or person exists; or

(*b.*) It appears to Her Majesty in Council that it would be more convenient to substitute some other officer or person for the officer or person specified in this Act;

it shall be lawful for Her Majesty from time to time by Order in Council, as the case may be, either—

(*a.*) To declare that any officer or person specified in the order, shall in such possession or foreign port or place, occupy the place of any officer or person specified in this Act; or

(*b.*) To substitute, as to such possession or foreign port or place, any officer or person specified in the order for the officer or person specified in this Act:

And upon any such order being made, and so long as the same is in force, every officer or person specified in the order, shall for the purposes of this Act, and subject to the limitations, if any, contained in the order, exercise and perform all the functions and duties, and have all the powers and authorities of the officer or person whose place he is declared to occupy, or for whom he is substituted.

Byelaws.

Byelaws.

Rules as to byelaws.

681. Where any authority is empowered to make byelaws under this Act the following provisions shall have effect:

(1.) The authority shall deposit a copy of the proposed byelaws with the Board of Trade, and shall publish such byelaws, with a notice of the intention to apply for confirmation thereof, in such manner as the Board of Trade direct:

(2.) Any person desiring to object to the confirmation of any such byelaws may send his objections in writing to the Board of Trade:

(3.) The Board of Trade shall take into consideration such byelaws, and any objections so made thereto, and may recommend the confirmation of such byelaws, with or without any omission, addition, or alteration, or the disallowance thereof:

(4.) Her Majesty may, by Order in Council, confirm such byelaws, with or without any omission, addition, or alteration, or may disallow the same:

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Byelaws.

(5.) Such byelaws, when confirmed, shall be published as the Board of Trade direct, with a notice stating that they have been confirmed:

(6.) Any byelaw so made may be from time to time altered or at any time repealed by other byelaws made according to the provisions of this section:

(7.) Any byelaw made according to the provisions of this section may impose a reasonable penalty not exceeding in any case ten pounds for the breach of such byelaw, with, in case of a continuing breach, a further penalty not exceeding in any case one pound for every twelve hours during which such breach continues, but so that no such byelaw shall impose a minimum penalty, and every breach of any such byelaw shall be deemed an offence against this Act:

(8.) Printed copies of all such byelaws for the time being in force shall be kept by the authority by whom they are made, and shall be open to public inspection, free of charge, and shall be delivered by such authority to any person applying for the same, either free of charge, or at such price, not exceeding one shilling per copy, as may be by such byelaws prescribed:

(9.) All byelaws when confirmed by Order in Council shall be deemed to have been duly made and confirmed, and no objection thereto shall be taken in any proceedings, and they shall, on and after the completion of the publication thereof, be binding on all persons, and shall be sufficient to justify all persons acting thereunder, and such byelaws may be proved in the same way as the Order in Council confirming the same may be proved.

Inspectors.

Inspectors.

Appointment of inspectors by Board of Trade, and their powers. 17 & 18 Vict. c. 104. ss. 14–16, and 24.

682. The Board of Trade may from time to time appoint any person as an inspector to report to them on the following matters, or any of them:

(1.) On the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused:

(2.) Whether this Act or any regulation made thereunder has been complied with:

(3.) Whether the hull and machinery of any steam ship are sufficient and in good condition.

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Inspectors.

And every such inspector shall have the following powers:

(1.) He may go on board any ship, and may inspect her or any part of her, or any machinery, boats, equipments, or articles to which this Act applies on board, not unnecessarily detaining her:

(2.) He may enter and inspect any building or place the entry or inspection whereof appears to him requisite for the purposes of the report which he is directed to make:

(3.) He may by summons under his hand require the attendance of all such persons as he thinks fit to call before him and examine for those purposes, and may require answers or returns to such inquiries as he thinks fit to make:

(4.) He may require and enforce the production of all books, papers, and documents which he considers important for those purposes:

(5.) He may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

Every person so summoned shall be allowed such expenses as would be allowed to a witness attending on subpœna before a court of record, or attending on citation the Court of Justiciary; and in case of dispute as to the amount to be allowed, the same shall be referred by the inspector in England and Ireland to a Master of one of the Superior Courts, or the Registrar of the Superior Court of Admiralty, and in Scotland to the Queen's and Lord Treasurer's Remembrancer, who respectively, on request under the hand of the inspector, shall ascertain and certify the proper amount of such expenses.

If any person, without reasonable excuse (proof whereof shall lie on him), does any of the following things, namely,—

(1.) Having been summoned, and having had the expenses (if any) to which he is entitled tendered to him, fails to attend as a witness before the inspector, or to make any answer, or to give any return, or to produce any document, or to make or sign any declaration; or,

(2.) Prevents or impedes the inspector in the execution of his duty on board ship or elsewhere,

he shall for every such offence incur a penalty not exceeding ten pounds; and where the offence consists of preventing or impeding as aforesaid, the inspector, or any person called by him to his assistance, may seize and detain the offender until he can be conveniently taken before a court of summary jurisdiction, to be dealt with according to law.

Surveyors.

Surveyors.

683. The Board of Trade may from time to time appoint, for the purposes of this Act or of any other of the separate Acts constituting the Merchant Shipping Code, 1871, such and so many persons to be surveyors for such ports, places, or districts as they think fit, and may at any time remove any such surveyor, and may from time to time alter the districts of the surveyors, and fix and alter their remuneration.

Appointment, &c. of surveyors. 17 & 18 Vict. c. 104. s. 305.

684. A surveyor, in the execution of his duty, may go on board any ship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or the certificate of registry thereof, or any certificate of the master or of any mate or engineer, not unnecessarily detaining or delaying the ship in proceeding on her voyage; and if, in consequence of any accident to any ship, or for any other reason, the surveyor considers it necessary to do so, he may require the ship to be taken into dock for the purpose of surveying the hull thereof.

If any person hinders any surveyor from going on board any ship, or otherwise impedes him in the execution of his duty under this Act, he shall for every such offence incur a penalty not exceeding *five pounds.*

Power of surveyors. 17 & 18 Vict. c. 104. s. 306.

685. The surveyors shall execute their duties under the direction of the Board of Trade, and the Board of Trade shall make regulations as to the manner in which surveys required by this Act are to be made, and the notice to be given by the surveyor, when surveys are required, and the amount and payment of any travelling or other expenses incurred by the surveyors in the execution of their duties, and may by such regulations determine the persons by whom and the conditions under which such payment is to be made, and such expenses may be recovered summarily.

Regulations of Board of Trade respecting surveys. 17 & 18 Vict. c. 104. s. 307.

686. If any surveyor demands or receives, directly or indirectly, from the owner or master of any ship surveyed by him under this Act, any fee, remuneration, or gratuity whatever, he shall for every such offence be guilty of a misdemeanor.

Prohibition of gratuities, &c. 17 & 18 Vict. c. 104. s. 308.

687. All fees received by any surveyor under this Act shall be carried to the Mercantile Marine Fund, and all salaries and expenses incurred by the Board of Trade in relation to the survey of ships under this Act shall, except so far as they are otherwise provided for under this Act, be paid out of the same fund.

Fees to be carried to Mercantile Marine Fund.

A.D. 1871.

Dues.

Dues.

Liability for dues payable by ship.

17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. ss. 44, 66.

688. The following persons shall be liable to pay the dues payable by or in respect of any ship; (that is to say,) the owner and master, and such consignee or agent thereof as may have paid or made himself liable to pay any other charge on account of such ship in the port of her arrival or discharge or in the port from which she clears out.

The following persons shall be liable to pay the dues payable in respect of any goods carried in any ship; (that is to say,) the owner of such goods, and also any consignor, consignee, shipper, or agent for the sale or custody of such goods, and also any person entitled either as owner or agent for the owner to the possession of such goods.

Power for consignees, &c. to retain dues paid by them.

17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. s. 45.

689. Every consignor, consignee, shipper, or agent, not being the owner or master of any ship or goods, by this Act made liable for the payment of any dues in respect of any ship or goods (as the case may be), may, out of any moneys in his hands received on account of such ship or goods, or belonging to the owner thereof, retain the amount of dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment and liability.

Recovery of dues.

17 & 18 Vict. c. 104. s. 401.

690. Any dues may be recovered in any court of competent jurisdiction by the person to whom the same are payable as a debt due to him.

Any person authorized to collect dues may distrain any ship and the tackle thereof, or any goods in respect of which dues are payable, and may keep such ship and tackle or goods until the dues payable in respect of such ship or goods respectively are paid, and, if the same are not paid within seven days after distress, may cause the property distrained, or any part thereof, to be sold, and out of the proceeds of the sale may pay the amount of such dues, and the expenses of the distress, keeping, and sale.

The power given to the collector under this section shall be given in addition to the remedies hereby provided for the recovery of dues.

Settlement of disputes concerning dues or charges occasioned by distress.

10 & 11 Vict. c. 27. s. 46.

691. Where a difference arises concerning the amount of any dues payable, or of the charges occasioned by any distress or arrestment, the person distraining or arresting may detain the ship, tackle, or goods distrained or arrested until such amount is ascertained by a court of summary jurisdiction, or until he is satisfied that sufficient security has been given for the payment of such amount when ascertained, and of the expenses arising from non-

payment thereof. A court of summary jurisdiction shall, upon application made for that purpose, determine such amount, and award such costs to be paid by either party to the other as the court think reasonable.

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Dues.

692. If any master, owner, consignor, consignee, shipper, or agent, evades the payment of any dues he shall incur a penalty either not exceeding *ten pounds*, or, in case the amount of the dues which he has evaded exceeds ten pounds, then not exceeding such amount.

Penalty on evasion.

10 & 11 Vict. c. 27. s. 43.

693. Nothing in this Act shall affect any special power of recovering dues conferred upon any person or authority by any special Act.

Saving of powers under special Acts.

Detention of Ships.

Detention of Ships.

694. Where under this Act any officer of customs has power to detain any ship, any officer of customs may refuse to grant a clearance or transire to such ship until the cause of such detention is removed, and may call to his aid any officer of the army, navy, or marines employed in the prevention of smuggling, or any excise office, police officer, constable, or other person having authority from the Commissioners of Customs or Inland Revenue to make seizures, and may put on board the ship any one or more of such officers or other persons to take charge of the same; and if any officer or other person put on board or in charge of any ship detained as aforesaid is removed therefrom, or if such ship proceeds to sea with any such officer or other person on board, the ship shall be liable for every such offence to a penalty not exceeding one hundred pounds, and the further penalty of five pounds for every day during which such officer or other person is prevented from returning, or is unable with reasonable diligence to return, to the port or place from which he has been taken, besides the reasonable expenses incurred by such officer or other person in returning to such port or place.

Detention of ships.

The said penalty and expenses may be recovered by the Commissioners of Customs summarily, or as if they were dues payable to them by such ship.

Construction.

Construction.

695. In this Act (if not inconsistent with the context or subject matter) :—

The term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom, and all territories and

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Construction.

places under one legislature as herein-after defined are deemed to be one British possession for the purposes of this Act:

The term "Legislature" means any person or persons who exercise legislative authority in any British possession, and where there are local legislatures as well as a central legislature means the central legislature only:

The term "the Treasury" means the Commissioners of Her Majesty's Treasury for the time being, or any two or more of them:

The term "the Admiralty" means the Lord High Admiral or the Commissioners for executing his office:

The term "the Trinity House" means the master, wardens, and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond:

The term "consular officer" means a consul general, consul, and vice-consul, and any person for the time being discharging the duties of consul general, consul, or vice-consul:

The term "master" includes every person having command or charge of any ship or boat:

The term "seaman" includes every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship:

The term "person" includes body corporate:

The term "ship" includes every description of vessel used in navigation not propelled exclusively by oars:

The term "foreign-going ship" means every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man:

The term "coasting ship" means every ship employed in trading or going within the following limits: that is to say, the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man:

The term "coasting passenger ship" means every coasting ship employed in carrying passengers:

The term "boat" means every description of vessel used in navigation not being a ship:

The term "vessel" means a ship or boat:

The term "tackle," used in relation to a ship, includes all furniture and apparel thereof:

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Construction.

The term "wreck" includes jetsam, flotsam, lagan, and derelict, found in or on the shores of the sea or any tidal water:

The term "tidal water" means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides:

The term "tidal lands" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:

The term "foreign port" means any port out of Her Majesty's dominions:

The term "harbour" includes any harbour properly so called, whether natural or artificial, and any haven, estuary, dock, pier, jetty, and work, in or at which ships do or can obtain shelter, or ship or unship goods or passengers; and the same term, when used in any provision relating to the jurisdiction or powers of a harbour authority, extends to and includes the whole limits assigned by any statute or other law, or by charter or usage, as the limits of the harbour or the limits within which such jurisdiction or powers may be exercised, with all docks, quays, yards, works, and buildings within those limits belonging to such harbour authority or being under the exclusive control of such harbour authority by virtue of such statute, law, charter, or usage:

The term "harbour authority" means any persons or person, being proprietors or proprietor of or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour:

The term "conservancy authority" means any person intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water:

The term "shipping purpose" includes the constructing or doing of any work or thing that conduces to the safety or convenience of ships, or that facilitates the shipping or unshipping of goods or passengers, or is intended to do so, and also the management and superintending of any such work; and also includes the maintenance of any lifeboat or other means of preserving life in case of shipwreck:

The term "special Act" means a local or local and personal Act, or an Act of a local and personal nature, and includes a provisional order of the Board of Trade confirmed by Act of Parliament, and a certificate granted by the Board of Trade under the Railways Construction Facilities Act, 1864; and powers under a Provisional Order so confirmed, or under such

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Construction.

certificate, are included among "statutory powers" within the meaning of this Act:

The term "the Lands Clauses Acts" means, with respect to England and Ireland, The Lands Clauses Consolidation Act, 1845, and any Act amending the same; and, with respect to Scotland, The Lands Clauses Consolidation (Scotland) Act, 1845, and any Act amending the same:

The term "goods" includes wares and merchandise of every description, and all articles in respect of which dues are payable in or at any harbour:

The term "wharf" includes all wharves, quays, docks, and premises in or on which goods when landed from ships may be lawfully placed:

The term "warehouse" includes all warehouses, buildings, and premises in which goods when landed from ships may be lawfully placed:

The term "ballast" includes anything used for the ballasting of ships:

The term "due" means any due, toll, rate, impost, tax, charge, or duty, or payment in the nature thereof, payable in respect of ships or goods carried in ships, other than a duty of customs levied for the use of Her Majesty:

The term "quarter sessions" includes general sessions:

The term "court" includes any court, justices, sheriff, or magistrate having power to exercise summary jurisdiction under this Act:

The term "felony" means in Scotland a high crime and offence, and the term "misdemeanor" means in Scotland a crime and offence:

Commencement of Act.

696. This Act shall not come into operation until the first day of May one thousand eight hundred and seventy-two, which date is in this Act referred to as the commencement of the Act.

Merchant Shipping Code.

A

B I L L

To consolidate and amend the Acts relating to Merchant Shipping and Navigation.

(*Prepared and brought in by Mr. Chichester Fortescue and Mr. Arthur Peel*).

Ordered, by The House of Commons, *to be Printed*, 13 *February* 1871.

[Bill 15.]

Under 2¼ lbs.

Merchant Shipping Survey Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.

2. Construction of Act.

3. Survey of unclassed ships.

4. Ascertainment of load line.

5. Judicial survey of damaged ships.

A

B I L L

TO

Provide for the compulsory Survey of certain Merchant Ships and for the adoption of a maximum load line. A.D. 1871.

WHEREAS it is expedient to provide for the greater security of the lives of seamen employed in the mercantile marine:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Survey of Shipping Act, 1871." Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Merchant Shipping Act and amending Acts are together herein-after referred to as "the principal Act." Construction of Act.

3. The provisions of the principal Act for the survey of passenger steamers shall extend and apply to all British sailing ships and steam ships not being passenger ships or passenger steamers, nor classed by Lloyd's register of shipping or by the Liverpool underwriter's registry for iron vessels, nor being at present surveyed by the officers of the Board of Trade, subject to the modifications following; that is to say, Survey of unclassed ships.

(1.) A certificate issued by the Board of Trade upon a survey shall be in force for *twelve months*, unless a shorter time be expressed in the certificate.

(2.) For the purposes of this Act expressions in the said provisions of the principal Act referring to number of and accommodation for passengers shall be construed as if they referred to quantity of and capacity to carry cargo of the description which the ship is intended to carry; and expressions referring to cabins, to plying with passengers, and to having passengers on board, shall respectively be

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construed as if they referred to the hold, and to plying with cargo, and to having cargo on board; and the penalty for receiving or carrying cargo in excess of the quantity allowed by the certificate shall be *twenty pounds*, and a further amount not exceeding *twenty shillings* for every ton of cargo so in excess.

(3.) A declaration of an engineer surveyor shall not be required in the case of a sailing ship, and the declaration of the shipwright surveyor of the Board of Trade shall be sufficient if it include the following matters; that is to say,

That the hull, masts, and rigging are in good condition for the service intended;

That the boats, lights, and compasses are sufficient for the service intended;

The time, if less than *twelve months*, for which the hull and equipments will in the surveyor's judgment be sufficient;

The limits (if any) beyond which, as regards the hull and equipments, the ship is in the surveyor's judgment unfit to ply; and

The quantity of cargo which the ship is fit to carry, having regard to the nature of the cargo and of the voyage.

(4.) The certificate to be granted by the Board of Trade shall, in case the declaration of the shipwright or engineer surveyor fixes a time less than *twelve months* during which the hull and equipments will be sufficient, specify such time as the time at which the certificate shall expire.

(5.) The fees to be paid by the owner of a ship requiring a certificate in pursuance of the provisions of this Act shall be such fees as the Board of Trade may from time to time direct, not exceeding the scale of fees for the time being charged by Lloyd's Register Committee for like services, and if any surveyor demand or receive any fee, remuneration, or gratuity for or in respect of any survey to be made in pursuance of this Act otherwise than as the officer and by direction of the Board of Trade, he shall be guilty of a misdemeanor, and upon conviction shall be liable to be imprisoned with hard labour for any time not exceeding *two years*.

Ascertainment of load line.

4. The following provisions shall have effect for the ascertainment and display of the proper load line of ships; that is to say,

(1.) Unless a special survey shall be demanded by the owner of any ship, as herein-after provided for, the maximum load

line of any and all ships shall be so placed on the side of the ship amidships as that its bottom edge shall be as many times three inches below the under side of the covering board of the main deck as there are feet in depth of hold, that is to say, when the depth of hold is twenty feet then that the bottom edge shall be five feet below the under side of the covering board of the main deck; and that the bottom edge of such load line or coloured band shall thenceforward be deemed the maximum load line of immersion of such ship.

(2.) No ship shall hereafter be registered as a British ship unless upon production to the registrar of a certificate signed by the authority herein-after mentioned, stating that the proper line of maximum immersion of the ship in salt water (herein-after referred to as the load line) has been duly marked on the ship in the manner prescribed; particulars of which certificate the registrar shall enter in the register book and in the certificate of registry.

(3.) That where the owner of a ship is dissatisfied with the application of this rule he shall be at liberty to apply to the Board of Trade to have the load line of his ship determined by special survey.

(4.) The authority for the purpose of determining the load line shall, in the case of a British-built ship, consist of the builder, the surveyor appointed by the Board of Trade for the place of building, together with, in the case of a ship built under the inspection of Lloyd's register of shipping or of the Liverpool underwriter's registry for iron vessels, the surveyor to Lloyd's register of shipping or the surveyor to the Liverpool underwriter's registry of iron vessels, as the case may be; and in the case of a foreign-built ship, if the port of registry be in the United Kingdom, shall consist of the surveyor appointed by the Board of Trade for such port with one of such other surveyors as are above mentioned, but if the port of registry be not in the United Kingdom then of a surveyor to be appointed for the purpose by the registrar of the port of registry.

(5.) In case a difference arises between the persons by whom the load line of a ship is to be determined the judge of the local Court of Admiralty having jurisdiction in the place where the matter arises shall, upon the application of any person interested in the ship, appoint one of the nautical

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assessors of the court, or some other fit person, whose decision shall be final, subject only to such appeal to the Board of Trade as is herein-after mentioned.

(6.) The load line shall be marked on the ship,—

1. By cutting in a conspicuous position on the combing of the main hatchway, in legible figures or letters at least one inch long, the maximum proper immersion amidships:

2. By painting on the outside of the hull, either along the whole length of the load line on each side or along the load line on each side for a length of not less than six feet amidships, a band of white or yellow the breadth of which shall be as many half inches as there are feet in depth between the under side of the main deck planking and the upper side of the bilge planking or floor of the hold, that is to say, if the depth of hold is twelve feet, then that the width of the band shall be six inches. That such load line shall be bordered with black for a width on each side of not less than three inches.

(7.) There shall be payable for a certificate to be granted under this section such fees and to such persons as the Board of Trade may from time to time determine, and if any person demand or receive any greater or other fee, gratuity, or remuneration in respect of any such certificate he shall be guilty of a misdemeanor, and shall be liable upon conviction to be imprisoned with hard labour for any time not exceeding *two years*.

(8.) The Board of Trade may at any time, if they think fit, direct a new survey to be made by a person or persons appointed by them of any ship the load line of which has been determined under the provisions of this Act, and may require the load line to be altered and the marks on the ship, the register, and the certificate of registry to be altered accordingly.

Such an alteration of a certificate may be made by endorsement by any officer of the Board of Trade, who shall subscribe his name to the endorsement and send a report of the alteration to the registrar of the ship's port of registry.

(9.) If any master or owner, after notice that his certificate of registry is required to be altered as aforesaid, use such certificate without such alteration being made, he shall be liable to all the same penalties as a master or owner using a certificate not legally granted.

(10.) Where upon such periodical survey of an unclassed ship the load line of which has been determined under the provisions of this Act as is by this Act directed to be made, it appears to the shipwright and engineer surveyor by whom the survey is made, or either of them, that the load line of such ship ought to be altered, such surveyors or surveyor shall include in their or his declarations or declaration a statement of their opinion, and the Board of Trade may, if they think fit, suspend the issue of their certificate until a new survey has been made and until any necessary alterations have been made.

(11.) Any person aggrieved by the determination of any such authority as aforesaid as to a load line may appeal to the Board of Trade, who may upon such inquiry, if any, as they think fit, confirm or vary the determination of such authority, and may, if they vary such determination, grant a certificate accordingly, which shall have the same effect as a certificate of such authority.

(12.) If any owner or master of a ship remove or alter, or suffer to be removed or altered, any mark indicating the load line of such ship, unless in any case of necessity for the preservation, examination, or repair of the ship, or when any such mark has been altered, removed, or obliterated by any means or for any reason, does not as soon as may be cause such mark to be restored, or who sends or takes to sea any ship immersed above her load line, or who forges or alters any entry or description of a load line in a certificate of registry or other document, shall be guilty of a misdemeanor, and upon conviction shall be liable to be imprisoned with hard labour for any time not exceeding *two years*.

(13.) The Board of Trade may, if they think fit, refuse the issue of a certificate to any such unclassed vessels as are hereinbefore in this Act directed to be periodically surveyed until the load line of such vessels has been determined; and the owner of any ship registered as a British ship before the passing of this Act may, if he thinks fit, have the load line of such ship determined according to the provisions of this Act.

Every British vessel employed in carrying coals to or from any British port shall have her load line ascertained in the manner provided by this Act, and the owner and the master of any such vessel sending, taking, or permit-

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ting her to be sent or taken to sea after the *first day of November one thousand eight hundred and seventy-one* laden with coals without her load line having been so ascertained shall be liable on summary conviction to a penalty of *fifty pounds* for every such offence.

(14.) No person shall be subject after the *first day of November* aforesaid to any penalty for refusing to sail or serve on board any vessel immersed above her load line, or on board any vessel the load line of which is by this Act required to be ascertained, and the load line of which has not been so ascertained.

(15.) When it appears to any harbour master, officer of the coast guard or customs, receiver of wreck, or officer of the Board of Trade, that any vessel, the load line of which has been ascertained under the provisions of this Act, is loaded so that she is immersed above any part of her load line (after making such allowance, if any, as may be due to her being at the time in fresh water), it shall be the duty of such harbour master, officer, or receiver to detain such vessel until her load has been lightened or shifted so far as may be necessary; and any such harbour master, officer, or receiver may for the purposes of this section board and detain any such vessel by force, if need be, and he and all persons acting by his directions are hereby indemnified against all claims of all persons whatsoever in respect of anything done in pursuance of this section.

Judicial survey of damaged ships.

5. Where any ship, whether British or foreign, arrives or is found at any place within Her Majesty's dominions in distress or being or alleged to be unseaworthy, the master or any person interested in the ship, cargo, or freight, or any two or more of the passengers or of the crew, may apply to such Court as is herein-after mentioned for a judicial survey of the ship, and such Court shall, if satisfied there is reasonable ground for such survey, appoint a competent surveyor or surveyors to survey the ship, and to report to such Court whether the ship is seaworthy or unseaworthy, or capable or incapable of being prudently repaired, and may cause the ship to be arrested and detained for the purposes of the survey.

When any ship, whether British or foreign, arrives or is found at any place within Her Majesty's dominions, after the first day of November next, which is not classed in Lloyds Shipping List or by the Liverpool Underwriters Association, or which, having been classed by them or either of them, has run off her class or been

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otherwise disqualified, except as hereafter mentioned, the same shall be surveyed by a surveyor to be named by the Court before she shall again proceed to sea, which surveyor shall report upon her state and condition to the Court.

Upon the receipt of such report and upon such further evidence, if any, as the Court thinks fit to require, the Court, if satisfied that the ship is seaworthy or capable of being prudently repaired, shall give a certificate accordingly to any person interested in the ship, cargo, or freight, as owner, underwriter, or otherwise, and applying for such certificate; but if the Court is satisfied that the ship is unseaworthy, but is capable of being repaired, the Court may issue a warrant, by virtue whereof it shall be lawful for any officer of customs or of the coast guard, receiver of wreck, harbour master, or other person named in the warrant to arrest and detain the ship until a certificate shall have been issued by the Court to the effect that the ship has been made seaworthy to the satisfaction of a surveyor to be named by the Court.

If the Court is satisfied upon such report and evidence that the ship is unseaworthy and incapable of being prudently repaired, the Court shall issue a certificate to that effect to the master, or any other person interested in the ship, cargo, or freight, and making application for such certificate, in which event, or in that of no such certificate being applied for as aforesaid, then that the Court shall order the breaking up of such ship, which shall be broken up accordingly forthwith, and that in case any person takes such ship to sea he shall be liable to be imprisoned with hard labour for any time not exceeding *two years*.

Any certificate granted in pursuance of this section, and purporting to be signed by the judge of a court having jurisdiction under the provisions of this section, shall be evidence of the matters stated therein, and any such certificate to the effect that a ship is unseaworthy and is incapable of being prudently repaired shall be sufficient authority to the master to sell or abandon the ship, and shall in the absence of proof of fraud be conclusive in any British Court against all persons as to the propriety of such sale or abandonment.

A Court granting a certificate in pursuance of this section may at the same time make an order for all costs and expenses incurred in giving effect to the provisions of this section, and payment of the amount of such costs and expenses may be enforced against the ship, cargo, and freight by any process of the Court, and shall be payable in priority to all other claims whatsoever.

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The Court for the purposes of this section shall mean in the United Kingdom the local Court having Admiralty jurisdiction at the place where the ship arrives or is found, and elsewhere in Her Majesty's dominions, the Vice-Admiralty Court, or other Court exercising Admiralty jurisdiction at the place where the ship arrives or is found.

Merchant Shipping Survey.

A

B I L L

To provide for the compulsory Survey of certain Merchant Ships, and for the adoption of a maximum load line.

(*Prepared and brought in by Mr. Plimsoll, Mr. Wheelhouse, and Mr. Lambert.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February,* 1871.

[Bill 3.] *Under 2 oz.*